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S. HRG. 100-913

FEDERAL FACILITY COMPLIANCE WITH HAZARDOUS WASTE LAWS

HEARING

BEFORE THE

SUBCOMMITTEE ON
SUPERFUND AND ENVIRONMENTAL OVERSIGHT

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

AUGUST 4, 1988

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FEDERAL FACILITY COMPLIANCE WITH HAZARDOUS WASTE LAWS

THURSDAY, AUGUST 4, 1988

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON SUPERFUND AND
ENVIRONMENTAL OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 406, Dirksen Senate Office Building, Hon. Frank R. Lautenberg (chairman of the subcommittee) presiding.

Present: Senators Lautenberg, Warner, and Pressler.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. I want to call the Subcommittee on Superfund and Environmental Oversight to order.

Today we're going to be examining Federal facility compliance with our hazardous waste laws.

Senator Warner, my distinguished colleague and the ranking minority member, and I both have a special interest in this issue. Senator Warner, with a number of DOD sites in his State, and as a member of the Armed Services Committee has been of great help in examining the issue we're discussing today.

New Jersey has, unfortunately, also a large number of contaminated Federal sites, including three DOD sites, that are currently on the national priorities list. Nationally we have 62 Federal facilities on the NPL, including 51 DOD installations.

As our witnesses today will demonstrate, Federal facilities pose significant environmental challenges.

During the superfund debate we sought to address the challenge in a number of ways. One problem we faced was the lack of knowledge over what was occurring at Federal facilities, and that's why I added a requirement to the superfund law demanding annual reports of Federal facilities on their compliance with superfund.

Another problem was moving work along at these sites in a manner that involved both EPA and the states. We responded by requiring Federal facilities to negotiate inter-agency agreements—so-called IAG's—to lay out the floor plan for the clean-up process. These IAG's are intended to bring the states, EPA, and Federal facilities together at the earliest stage of the cleanup process. We also added schedules in superfund for completing a number of cleanup tasks at these Federal sites.

One of our goals today is to assess how well the Federal agencies are complying with the 1986 superfund amendments.

We also want to take a look at compliance with the Resource Conservation Recovery Act—RCRA, as it is known. That law governs the way that hazardous wastes are treated, stored, and disposed. It seeks to prevent new superfund sites from being created.

RCRA compliance is a significant problem for these facilities. EPA has designated 50 Federal facilities as significant because of non-compliance with RCRA. Of these, 31 are DOD installations, 10 are DOE facilities.

This past Saturday I took a first-hand look at a site deemed to be in significant non-compliance. It is called the Picatinny Arsenal. It is in the northern part of the State of New Jersey. That 6,500-acre site for too many years has been a place where the environment has been ignored and ravaged.

EPA issued the arsenal a notice of violation of RCRA last summer. We put the Army on notice that it would have to come here today and explain why it was taking so long to agree to obey the law.

The Picatinny Arsenal finally signed a compliance agreement, but it shouldn't have taken a hearing and months of public scrutiny to accelerate this process. And that agreement will not get the site cleaned up. It will take superfund to do that. I'm calling on EPA to place the facility on the National Priorities List.

In addition, EPA indicated that it has not signed off on the arsenal's changes to the compliance agreement. Despite the declaration of victory last week, the deal is not final. We want to see what the problems are.

Picatinny and all Federal facilities, just like private parties, must obey the law. They shouldn't expect—and they're not going to get from us here—any special treatment. It doesn't matter to the child drinking contaminated water whether the polluter was a Federal government or a private or commercial installation. The cancer victim doesn't care whether a chemical company or the military leaked the poisons into the air that made him or her sick. And neither should the Administration distinguish.

We should go after Federal agencies with as much vigor as we do private polluters, and we should hold Federal facilities to no less a standard.

Unfortunately, the Administration has given them special treatment. It has argued before the Congress that EPA can't enforce our hazardous waste laws against Federal agencies with all the powers used against private parties.

Well, today we are going to be focusing more on the environmental question than on the legal question. But suffice it to say I don't buy the Administration's enforcement policy.

Apparently it might take either legislation or a new Administration to change this approach. The bottom line is that the Federal facilities pose massive cleanup challenges. DOD estimates that it has 738 installations in its installation restoration program. It estimates that as many as 5,165 sites need to be addressed with a total price tag of somewhere between $11 billion and $14 billion.

Now, according to the GAO study the cost over the next 25 years for DOE cleanups is even higher. GAO estimates that for DOE's

nuclear defense facilities the cleanup costs will be between $100 billion and $130 billion.

Our investigation has indicated that we don't have similar corroboration of DOD's cost figures, and that's why I'm calling on GAO today to take a look at DOD's environmental books. I want an independent account of what the scope of the DOD problem is, and I also want to know how and when these Federal sites are going to be cleaned up.

Now, I've put EPA, DOD, and DOE on alert that I want some hard projections today, and I've also told them that I want to hear what organizational management tools they have put in place to get the job done.

I want to explore the role that states and citizens will lay in the process. And as our citizen witness from Picatinny Arsenal will underscore, often residents feel totally left out of the process, and that has to change.

I want to hear how Federal agencies are going to do this.

States, also, have had their share of problems with Federal sites, and we will hear more about this from Tom Looby, a Colorado Environmental Office official here today on behalf of the National Governor's Association.

The goal of this hearing is the same as previous superfund hearings: to determine whether we are moving as quickly and as effectively as we can to clean up toxic waste.

I am pleased to welcome our colleague from the State of Washington, Senator Brock Adams, but before that I call on our distinguished ranking member, Senator Warner, for his statement.

OPENING STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Senator WARNER. Mr. Chairman, I thank you very much for holding this hearing. I join with you in the quest for it, and I'd also like to join with you in that communication to GAO. I think that's a very wise and prudent step on behalf of this committee. It marks another chapter in your distinguished leadership in this subcommittee, and I'm delighted to be a member of it.

I thank you, again, for holding the hearing. In my position as the ranking member of the Armed Services Committee, minority side, I have followed this development in the Defense Environmental Restoration Appropriation, known as DERA—quite an acronym—which is to centralize hazardous waste clean-up acts with the Office of the Secretary of Defense. It is particularly concerned with the Department of Defense's guidance policies to base commanders on how to comply with these technically complex laws, the enormous funding requirements to clean up these sites, the management structure within the department, and the policy to determine a priority clean-up schedule as this program moves into the remedial action phase.

I hope today we will hear from the department on the progress—and I repeat I think the progress—being made in cleaning up hazardous waste sites left unchecked in the past. Efforts to bring current waste-generating practices into compliance with SARA and

RCRA regulations, and plans to apply a ten percent annual waste minimization requirement.

Those of us in the Congress are very encouraged by the Department of Defense signing the Federal facility agreement with the Environmental Protection Agency, and the State of Minnesota on the clean-up schedule for the Twin Cities Army Munitions Plant known as TCAAP.

It is my strong belief that the department should use these model provisions to develop similar agreements for clean-up actions on other installations throughout the United States. These model provisions would help expedite the signing of Federal facility agreements at other installations.

I believe it is advantageous for the Department of Defense to continue in this direction.

I am a long-time advocate for the Federal commitment to restore the Chesapeake Bay. I look forward to hearing from the Department of Defense on their views on the integration of their participation in the Chesapeake Bay Program and the priorities used to determine the clean-up schedule for hazardous waste sites. I don't know, but there are a great many sites—I believe 110.

I believe this hearing is important also to highlight the significant financial demands of both the SARA and RCRA on the Federal Government and how these demands make missions of the individual installations targeted for significant environmental clean-up action.

I thank the Chair.

Senator LAUTENBERG. Thank you, Senator Warner.

And now Senator Brock Adams, a long-time fighter for a cleaner environment, coming from a State that has a particular problem not unique but perhaps larger than many of us face. We welcome you, Senator Adams, and look forward to your testimony.

STATEMENT OF HON. BROCK ADAMS, U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator ADAMS. Thank you, Mr. Chairman. Thank you, Senator Warner. I appreciate very much the opportunity to testify, and I ask unanimous consent that my full statement may be made part of the record.

Senator LAUTENBERG. Without objection.

Senator ADAMS. Mr. Chairman, I want to commend you for your leadership, and Senator Warner for the things you have done with this issue. And for my State it is absolutely critical.

We have, Mr. Chairman, the largest nuclear waste dump site in the free world. It probably is the largest in the world; we just don't know what is going on in the Soviet portion of the world.

We have a problem that is so staggering in size that that's why I came to talk with the committee this morning and to indicate that the DOE site there, which has basically been devoted to DOD production of plutonium since World War II, has accumulated an enormous problem for us.

I will submit for the record the total number of gallons, but suffice it to say that if we were to take the nuclear materials that are known to be on the ground—and I'll explain in a minute the fact

that many are unknown—they would fill a football stadium the size of the Seahawk Stadium one-third full of highly radioactive waste.

This waste, Mr. Chairman, was for many years just dumped on the ground in the desert. We have tanks that are out there that were built after World War II. There are 159 of them that are in various stages of leaking.

I want to thank Senator Warner and thank you, Senator Lautenberg, for the help in getting money appropriated toward clean-up. This is located in the bend of the Columbia River and it was thought to be a site that was very remote from everyone. In relation to big population areas it is remote, but in terms of the water table and in terms of the size of the problem it is enormous.

I think we've underestimated the magnitude of the problem, and I am not critical of those who have been in charge. This has been shrouded in secrecy for many years. And, therefore, it is only now that people are beginning to understand the size of the problem.

For example, on July 1 of this year, the Department of Energy estimated the cost of clean-up of its nuclear weapons production facilities at between $66 billion and $110 billion—not million, billion. Almost half of this cost is attributable to the Hanford Reservation in the State of Washington.

Mr. Chairman, I know you have been concerned about the dump sites in your State and have done wonderful work there, and that's the reason I'm here this morning so that part of your great attention might be focused on the size of our problem and to help us.

The Department of Energy has identified nearly 1,000 inactive waste sites at Hanford. By inactive I mean that's where waste was dumped and then just left there, so this is not part of the ongoing waste treatment. It is simply there in the ground. Some of them were ditches that were left.

The State, the U.S. DOE, the U.S. EPA are currently negotiating RCRA agreements to clean up those sites. Mr. Chairman, Hanford alone in our State has 59 active RCRA facilities.

With the subcommittee's approval, I'd like to submit for the record a letter of July 27, 1988, from the Washington Department of Ecology to the manager of the DOE Richland operation spelling out the magnitude of the RCRA compliance task facing DOE.

Senator LAUTENBERG. Without objection. [See p. 14.]

Senator ADAMS. Unfortunately, Mr. Chairman, and one of the reasons this hearing is so important to us, is that the ability of our State officials to successfully conclude the final compliance agreements with DOE and EPA has been hampered by confusion over interpretation of RCRA and CERCLA. In other words, the jurisdictional problems. We hope that that's the reason, but I just want you to know that it has not happened.

For example, the Department of Justice filed a legal brief last winter in the case involving the Rocky Mountain Arsenal intending that where there was an ongoing CERCLA cleanup involving a Federal facility, a State's authority to enforce RCRA was preempted.

Mr. Chairman, it is my understanding that nearly all of the 59 active RCRA sites and all of the inactive sites would be subject to RCRA corrective action, but they are all within the boundaries of

the four areas of Hanford which EPA has proposed for listing on the national priorities list.

Now, on April 14 the entire Washington congressional delegation wrote to the EPA Administrator, Mr. Thomas, asking EPA to clarify the application of RCRA and CERCLA at Federal facilities and to confirm that RCRA jurisdiction wasn't automatically preempted, and I know that's the subject of the oversight hearing this morning. I'm trying to give to the committee the specific on-the-ground problems that we are facing at this site.

On May 16 of this year we received an interim response from the Assistant Administrator, Winston Porter, telling us they were working on the problem. We have not heard further, and I assume EPA is still working on it, and I hope the committee might address what has happened.

The point I want to make here, Mr. Chairman, is a simple one: we have got decades of work. Mr. Chairman, I don't know whether I'll live long enough to ever see Hanford cleaned up. It requires billions of dollars. I don't know how we're going to get this money, but I'm going to have a suggestion for the committee before we finish as to a manner in which we might approach it.

The clean-up of Hanford and these other Federal sites are of the highest priority, and we do not need to have agencies of the Federal Government, after they have presided over these environmental disasters, spending their time trying to figure out legal obstructions to cleaning it up. We don't want to start any law suits about it. We're not trying to be greedy and say that we've got to stand ahead of everyone else at all times. We're just saying that this is the biggest dump site in the world, and it just sits there.

We'd like to have the participation of the Federal Government and the State Government in the decisions of how to clean up these sites and how they should be regulated. We don't care which one does it, Mr. Chairman, we just want there to be an orderly program, agreement, and movement ahead so that I can come to the committees of the Senate and to my colleagues in the House and say this is the program, this is what we are in agreement on, and this is what we need this year to continue it along. I am grateful for the fact that the Senate responded this time in reprogramming money for Hanford to try to deal with some of the severe problems that are immediately available.

Now, Mr. Chairman, earlier this year—and this is my suggestion, and I hope there will be others—I introduced S. 2189. It is called the Federal Nuclear Facilities Environmental Restoration and Management Act. It is a long name. The bill tries to put in place a comprehensive program for dealing with the cost, regulatory, and research needs for this massive undertaking on the DOE nuclear facilities. I might state, Senator Lautenberg, that these exist in Ohio and in Colorado, and they are, as Senator Warner knows, in South Carolina. I am terribly concerned about that area, but I certainly will let Senators from that State explain their problems.

This is a massive undertaking. The bill calls for two sets of legally-enforceable multi-party compliance agreements at DOE facilities—one set to implement RCRA and CERCLA, and one set to implement the other Federal environmental statutes such as the Clean Air Act.

We, unfortunately, have the release now, Senator, of records back in the 1940's and 1950's—and, again, I'm not critical. It was a different time and a different place. But they released puffs of radioactive iodine out of that area that—I guess to see what was going to happen.

So we don't know the clean air aspects of that release, and I'm not trying to raise an ogre. I certainly don't think anybody is doing that now, but we don't want them to do it, either.

RCRA and CERCLA agreements would be required within 180 days of enactment. The agreement, itself, or the failure of a Federal agency to enter into such an agreement would be directly enforceable in Federal District Court. The agreements would include affected States where the State has delegated authority from EPA.

I believe, Mr. Chairman, the negotiation of these agreements, as you mentioned in your opening statement, offers a viable way for solving some very complex physical and legal issues at Federal sites like Hanford.

The second part, Mr. Chairman, is that the bill would also create a trust fund for paying the cost of clean-up. We have both had some experience with trust funds, and I am not one that likes to move things off budget or create unnecessary trust funds. The reason for them—to me the only reason—is when you have long-term projects, whether it is a highway project, a mass transit project, or something like this, you have to have a continuing flow of money so you can do planning that lasts over a year—in other words, 5 years, 10 years. In this case we are talking 40 to 50 years.

It would create an office of special counsel of the U.S. Environmental Protection Agency to enforce Federal environmental laws, and it would require coordination of DOE and EPA environmental R & D programs.

Mr. Chairman, we should learn what we can do with this. I'm not sure that burying it in a hole in the ground is going to work. I am certainly not of the opinion that you can just shovel dirt over the top of these things and put some markers around the outside and it's all right.

If we could do the appropriate research and development—and we have a nuclear molecular research laboratory there, and it is one of the seven national laboratories—this is the time and place we can begin to deal with hazardous waste so you don't have it on your beach, we don't have it in our rivers, that we begin to determine whether we can retrieve some of these radioactive isotopes and we can begin to handle radioactive and hazardous wastes.

The problems are not unique to DOE, Mr. Chairman, or to Hanford. It is a national problem, and all of us want to work with you.

I appreciate your giving me the time. I know I took more time than generally a Senator might take in appearing, but this is something that each and every day is in my office, and I appreciate so much your attention to it, and yours, Senator Warner, and I thank both of you.

[Senator Adams' statement and attachment follow:]

Statement of Sen. Brock Adams

Before

The Subcommittee on Superfund and Environmental Oversight

Senate Committee on Environment and Public Works

Concerning

Environmental Problems at Federal Facilities

August 4, 1988

Thank you, Mr. Chairman, and members of the Subcommittee on Superfund and Environmental Oversight for the opportunity to testify at these hearings on environmental problems at facilities owned by the Federal Government.

First, Mr. Chairman, I want to begin by commending you for your leadership in calling this hearing. While Congress has addressed problems of environmental pollution at federal facilities at many points over the years, such as including federal facilities in the 1986 Superfund Amendments, experience shows that Congress has underestimated the magnitude of the problem. It now appears that the Federal Government, in particular the Department of Energy and the Department of Defense and their respective agencies and

predecessor agencies, have been some of the worst polluters in the Nation.

On July 1 of this year, the Department of Energy issued a report to Sen. John Glenn, Chairman of the Government Affairs Committee, on the cost to clean up the Department's nuclear weapons production facilities. DOE estimated the cost of clean up of these facilities at between $66 and $110 billion dollars. And that is billion, Mr. Chairman, not million.

I want to point out to the Subcommittee that this estimate does not include other Department of Energy nuclear facilities. And as the U.S. General Accounting Office pointed out in testimony to the Government Affairs Committee on July 13th, the DOE cost estimates do not include a variety of expected costs for high-level and transuranic waste clean-up, long-term care and monitoring. GAO estimated the clean-up cost of DOE's nuclear weapons production facilities at between $100 billion and $130 billion.

All of these costs are speculative and as the Subcommittee knows, DOE hasn't even begun much of the characterization and survey work needed to begin clean-up activities.

The costs of clean-up reported by DOE are truly staggering and almost half of this cost is attributable to the Hanford Reservation in my state of Washington.

Mr. Chairman, at the moment the Department of Energy has identified roughly 1000 inactive waste sites at Hanford. The State, U.S. DOE and the U.S. EPA are currently negotiating clean-up and RCRA agreements to clean up those sites. Hanford also contains 59 active RCRA facilities. With the Subcommittee's approval, I would like to submit for the record a July 27, 1988 letter from the Washington Department of Ecology to the manager of the DOE's Richland Operations Office spelling out the magnitude of the RCRA compliance task facing DOE.

Unfortunately, the ability of our state officials to successfully conclude final compliance agreements with DOE and EPA has been hampered by several conflicting interpretations and policies of the Justice Department, DOE and EPA of RCRA and CERCLA jurisdiction. For example, the Justice Department filed a legal brief last winter in a case involving the Rocky Mountain Arsenal contending that wherever there was an ongoing CERCLA clean-up involving a Federal facility, a state's authority to enforce RCRA was preempted. Mr. Chairman it is my understanding that virtually all of the 59 active RCRA sites and all of the inactive sites which would be subject to RCRA corrective actions are within the boundaries of the four areas of the Hanford Reservation which EPA has proposed for listing on the National Priorities List.

On April 14, 1988 the entire Washington congressional delegation wrote to EPA Administrator Lee Thomas asking EPA to clarify the application of RCRA and CERCLA at federal facilities and to

confirm that RCRA jurisdiction was not automatically preempted. On May 16, 1988 we received an interim response from Assistant Administrator Winston Porter telling us they were working on the problem. Now Mr. Chairman, we have not heard further and I assume EPA is still working on it.

The point I want to make here, Mr. Chairman is a simple one. We have decades of work and and billions of dollars worth of clean-up ahead of us at Hanford and other federal sites. We do not need to have agencies of the Federal Government, after they have presided over the creation of a major environmental disasters, creating legalistic obstructions to clean-up and to the legitimate participation of state governments in the decisions of how these facilities and clean-up actions are regulated. It is time that the federal agencies involved in this area stopped working to find loopholes and inconsistencies in the law and started trying to get these sites cleaned up.

Earlier this year, I introduced legislation, S. 2189, the "Federal Nuclear Facilities Environmental Restoration and Management Act," aimed at putting in place a comprehensive program for dealing with the cost, regulatory, and research needs of what we all know will be a massive undertaking; the clean-up of DOE's nuclear facilities.

The bill calls for two sets of legally enforceable multi-party compliance agreements for DOE facilities; one set to implement RCRA and CERCLA and one set to implement other federal

environmental statutes such as the Clean Air Act. These agreements would include DOE, EPA, and affected states and Indian tribes. I believe that these multi-party negotiated agreements are the most appropriate and workable way in which to resolve the many overlapping jurisdictional problems especially at a site with multiple RCRA and CERCLA facilities such as Hanford.

S. 2189, which was introduced in the House by my colleague from Washington state, Rep. Don Bonker, would also establish a trust fund consisting of appropriated funds, transfers from other DOE nuclear and defense accounts, any fines or penalties collected. Costs of clean-up would be assigned to all federal and non-federal users. The bill would create an office of special counsel at the U.S. Environmental Protection Agency to enforce federal environmental laws at all federal facilities and it requires coordination of DOE and EPA environmental R&D programs to provide more efficient develop of new environmental clean-up technologies for use at DOE facilities.

I have offered this legislation, which was referred to the Environment & Public Works Committee, as a starting point for the congressional debate on how we address the problem of clean-up and compliance at DOE facilities.

Clearly, the problems with environmental compliance are not unique to DOE or with Hanford. In February 1987, EPA released a study of environmental monitoring activities of federal agencies which indicated that some, such as the Corps of Engineers didn't

even have comprehensive environmental monitoring programs. In an investigation conducted by the Subcommittee on Oversight and Investigations of the House Energy & Commerce Committee earlier this year, the Subcommittee staff identified twelve Department of Defense facilities with serious hazardous waste problems including Picatinny Arsenal in your state of New Jersey, Mr. Chairman.

This is a serious national problem. It is also evident that self-regulation of the Federal Government's facilities has by-and-large left us a terrible legacy both in terms of environmental contamination and financial obligation.

I look forward to working with you, Mr. Chairman and your Subcommittee, on this problem. I want to thank you again for calling this hearing and for the opportunity to testify.

Christine O. Gregoire
xxxxxxxxxxxxxxxxx
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

July 27, 1988

Mr. Michael J. Lawrence, Manager
Richland Operations Office
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352

Dear Mr. Lawrence:

Over the past few months, we have seen Hanford hazardous waste management issues gain increasingly-widespread recognition as the Pacific Northwest's largest environmental problem. High waste generation rates and over 40 years of questionable practices have left the region with a monumental legacy of leaking tanks, contaminated soils and groundwaters, and a wide array of inadequate hazardous waste treatment, storage and disposal facilities.

In recognition of these problems, and as a reflection of accelerating, nationwide demand for federal facility compliance, our respective staff are now negotiating an enforceable Hanford agreement which lays the foundation for waste management on the reservation for decades to come. These activities are being complimented by parallel negotiations between our staffs and the U.S. Environmental Protection Agency (USEPA), which will delineate scheduled investigations and the cleanup of Hanford's historic hazardous waste disposal sites.

I am very pleased by the progress we have made towards the completion of these agreements. Robie Russell, USEPA, and I hope to release a comprehensive draft Hanford plan for public review this fall. The success of its implementation depends in large part on timely action by USDOE in ensuring that budget planning processes take required projects and activities into account at an early stage. It is my understanding that USDOE is now finalizing its projected budget needs for FY 1990. I am consequently submitting this letter and its enclosure in an effort to ensure that Hanford hazardous waste facility permitting and compliance projects are incorporated within these processes.

It is important that you note that such activities are required in order to achieve compliance with the federal RCRA program and Washington's dangerous waste statutes. These laws contain specific operational requirements and statutory schedules for the closure of regulated hazardous waste units, and the filing and issuance of Part B permit applications for those units that will continue in operation. These regulatory programs, and the specific deadlines within them, have been promulgated in an effort to establish sound environmental practices at all

hazardous waste facilities. Noncompliance, and any delay in meeting those deadlines, can have environmental risks as well as subject you to enforcement proceedings and the citizen suit provisions of RCRA and the state program.

You should also note that the enclosed listing of required permitting and compliance activities does not detail each of the individual actions necessary for compliance or permit issuance. Many of these projects are identified within USDOE's Hazardous Waste Implementation Plan and Hanford Waste Management Technology Plan. These costs should be incorporated within the budget planning process now, as well as costs associated with the cleanup of Hanford historic disposal sites.

Your prompt attention in this matter is appreciated.

Sincerely,

Christine O. Gregoire
Director

COG/RS:kc
Enclosure

cc: Governor Booth Gardner
Governor Neil Goldschmidt
Washington State Congressional Delegation
Warren Bishop, Nuclear Waste Board
Robie Russell, U.S. Environmental Protection Agency

Christine O. Gregoire
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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Hanford Permitting and Compliance Projects
As Required Under The
Draft Hanford Site Consent Decree

Between
The Washington Department of Ecology
and
The United States Department of Energy

July 1988

The following projects and activities are those presently under negotiation as requirements under the Hanford Consent Decree. They are listed here as actions necessary for minimally acceptable progress towards Hanford Site compliance with the Resource Conservation and Recovery Act and Washington State's Hazardous Waste Management statute (Chapter 70.105 RCW).

I. PROJECTS TO BE IN PROGRESS DURING FEDERAL FISCAL YEAR 1989

1. Development of Mixed Waste Laboratory Analytical Capabilities: Upgrades and construction of radioactive mixed waste laboratory facilities, required compliance activities in support of single-shell tank and low level mixed waste analysis, FY 89 activities to support completion of low level laboratory by January, 1991. Single shell tank (hot cell) upgrades to be completed no later than June, 1991.

2. Accelerated Stabilization of Single-Shell Tanks: FY 89 activities to support completed stabilization no later than June, 1993.

3. Accelerated Single-Shell Tank Waste Analysis: FY 89 activities to support required completion of characterization no later than January of 1996, includes sampling of 6 tanks (acquisition of statistically representative data detailing physical, chemical, and radiological characteristics). USDOE to pursue utilization of offsite laboratory capabilities prior to completion of Hanford laboratory upgrades.

4. Installation of Single-Shell Tank Groundwater Monitoring Well Systems: FY 89 activities to support completion of fully compliant systems no later than December, 1992. Activities during FY 89 to include completion of 35 wells (includes pumps and initial samples).

5. Accelerated Single-Shell Tank Waste Retrieval Technology Studies: FY 89 activities to support tank farm demonstration project to be completed no later than December, 1993. Interim retrieval technology reports to be submitted annually beginning June, 1989.

6. Accelerated Waste Treatability Studies: To include double-shell tank waste, single-shell tank waste, and those Hanford Site process waste streams presently directed to the double-shell tanks. Studies shall assess both potential and available treatment technologies including long term effectiveness and consequent feasibility of Hanford grout. Biannual interim reports on DST (includes process wastes) and SST wastes to be initially submitted December 1990 and December 1991, respectively. Reports to be coordinated with Ecology, U.S. Environmental Protection Agency and the Office of Technology Assessment.

7. Accelerated Waste Management Studies Focusing on Alternatives to Land Disposal: Including recycling, reclamation, minimization, and the development of advanced treatment and disposal technologies. Interim reports to be submitted annually beginning January, 1990.

8. 105 DR Sodium Fire Facility: closure plan development

9. 2101 M Pond: closure and post closure permitting, site characterization, installation of groundwater well system (possible clean closure)

10. Low-Level Burial Grounds: Part B permitting, installation of groundwater well systems

11. 242 A Evaporator: Part B permit development

12. 2727S Waste Storage and Transshipment Site: closure plan finalization, physical closure

13. 300 Area Solvent Evaporator: procedural closure

14. 300 Area Process Trenches: closure and post closure permitting

15. 332 Storage Facility: Part B development

16. Non Radioactive Dangerous Waste Landfill: closure and post closure permit development

17. Grout: major system accelerated Part B permitting

18. Hanford Central Waste Complex: Part B development (excluding WRAP)

19. Hazardous Waste Vitrification Plant: major system accelerated Part B permitting

20. 1301N/1325N: closure and post closure permitting, installation of groundwater monitoring well system

21. 183-H Solar Evaporation Basins: closure and post closure permitting, initiation of groundwater remedial measures

22. 216-A-10 Crib: partial closure, installation of groundwater monitoring well system (assumes all discharges have ceased)

23. 216-A-29 Ditch: partial closure, cease discharge, initiate necessary design modifications, installation of groundwater monitoring well system

24. 219-B-63 Trench: partial closure, cease discharge, initiate necessary design modifications, installation of groundwater monitoring well system

25. 216-S-10 Pond and Ditch: partial closure, cease discharge, initiate necessary design modifications, installation of groundwater monitoring well system

26. 216-U-12 Crib: partial closure, cease discharge, initiate necessary design modifications, installation of groundwater monitoring well system

27. 216-B-3 Pond System: installation of bypass system, installation of groundwater monitoring well systems, Part B/closure and post closure plan development

II. PROJECTS TO BE IN PROGRESS DURING FEDERAL FISCAL YEAR 1990

1. Development of Mixed Waste Laboratory Analytical Capabilities: Upgrades and construction of radioactive mixed waste laboratory facilities, required compliance activities in support of single-shell tank and low level mixed waste analysis. FY 90 activities to support completion of low level laboratory no later than January, 1991. Single shell tank (hot cell) upgrades to be completed no later than June, 1991.

2. Accelerated Stabilization of Single-Shell Tanks: FY 90 activities to support completed stabilization no later than June, 1993.

3. Acquisition of Additional Mobile Single-Shell Tank Sampling Equipment.

4. Accelerated Single-Shell Tank Sampling and Waste Analysis: FY 90 activities to be in support of required completion of characterization no later than January of 1996, includes sampling

of 12 tanks (acquisition of statistically representative data detailing physical, chemical, and radiological characteristics). USDOE to pursue utilization of offsite laboratory capabilities prior to completion of Hanford laboratory upgrades.

5. Installation of Single-Shell Tank Groundwater Monitoring Well Systems: FY 90 activities to support completion of compliant systems no later than December, 1992. Activities during FY 90 to include completion of 45 wells (includes pumps and initial samples).

6. Accelerated Single-Shell Tank Waste Retrieval Technology Studies: FY 90 activities to support tank farm demonstration project to be completed no later than December, 1993. Interim retrieval technology reports submitted annually.

7. Accelerated Waste Treatability Studies: To include double-shell tank waste, single-shell tank waste, and those Hanford Site process waste streams presently directed to the double-shell tanks. Studies shall assess both potential and available treatment technologies including long term effectiveness and consequent feasibility of Hanford grout. Biannual interim reports on DST (includes process wastes) and SST wastes to be initially submitted December 1990 and December 1991, respectively. Reports to be coordinated with Ecology, U.S. Environmental Protection Agency and the Office of Technology Assessment.

8. Accelerated Waste Management Studies Focusing on Alternatives to Land Disposal: Including recycling, reclamation, minimization, and the development of advanced treatment and disposal technologies. Interim reports to be submitted annually beginning January 1990.

9. 105 DR Sodium Fire Facility: closure plan permitting

10. 1706 KE Treatment: closure plan development

11. 2101 M Pond: closure and post closure permitting, physical closure (possible clean closure)

12. Double-Shell Tank Waste Storage: Part B permit development

13. Low-Level Burial Grounds: Part B permitting, installation of groundwater monitoring systems, trench design upgrade, initiation of physical closure

14. Purex Tunnels: Part B permitting

15. 242 A Evaporator: Part B permitting

16. 300 Area Waste Acid System: Part B permitting

17. 303 K Storage Facility: closure plan development

18. 304 Waste Concretion Facility: closure plan development

19. 305 B Storage: Part B permitting

20. 300 Area Process Trenches: closure and post closure permitting, physical site closure

21. 332 Storage: Part B permitting

22. 3718 F Alkali Metal Treatment and Storage Facility: Part B permitting, initial developmental activities

23. 4843 Alkali Metal Storage: Part B permit development

24. Non Radioactive Dangerous Waste Landfill: closure and post closure permitting

25. 616 Storage and Transshipment Facility: Part B permitting

26. Grout: major system accelerated Part B permitting

27. Hanford Central Waste Complex: Part B permitting

28. Hazardous Waste Vitrification Plant: major system accelerated Part B permitting

29. 183-H Solar Evaporation Basins: closure and post closure permitting, physical closure, ground water remedial measures

30. 216-A-10 Crib: integration of closure / post closure requirements and RI/FS investigations

31. 216-A-29 Ditch: complete necessary design modifications in support of closure, integration of closure / post closure requirements and RI/FS investigations

32. 216-B-63 Trench: complete necessary design modifications in support of closure, integration of closure / post closure requirements and RI/FS investigations

33. 216-U-12 Crib: integration of closure / post closure requirements and RI/FS investigations

34. 216-B-3 Pond: installation of bypass system, Part B/closure and post closure permitting

III. PROJECTS TO BE IN PROGRESS DURING FEDERAL FISCAL YEAR 1991

1. Note: laboratory upgrades and construction to be completed no later than June of 1991.

2. Accelerated Stabilization of Single-Shell Tanks: FY 91 activities to support completed stabilization no later than June, 1993.

3. Accelerated Single-Shell Tank Sampling and Waste Analysis: FY 91 activities to support required completion of characterization no later than January, 1996, FY 91 activities to include sampling rate evaluation and acceleration subsequent to the acquisition of additional sampling and laboratory capability.

4. Installation of Single-Shell Tank Groundwater Monitoring Well Systems: FY 91 activities to support completion of SST systems no later than December, 1992.

5. Accelerated Waste Treatability Studies: To include double-shell tank waste, single-shell tank waste, and those Hanford Site process waste streams directed to the double-shell tanks. Studies shall assess both potential and available treatment technologies including long term effectiveness and consequent feasibility of Hanford grout.

6. Accelerated Single-Shell Tank Waste Retrieval Technology Studies: FY 91 activities to support tank farm demonstration project to be completed no later than December, 1993. Interim retrieval technology reports submitted annually.

7. Accelerated Waste Management Studies Focusing on Alternatives to Land Disposal: Including recycling, reclaimation, minimization, and the development of advanced treatment and disposal technologies. Interim reports to be submitted annually.

8. 105 DR Sodium Fire Facility: closure plan permitting, physical closure

9. 1706 KE Treatment: closure plan permitting, physical closure

10. 204 AR Waste Unloading: Part B development

11. Double-Shell Tank Waste Storage: Part B permitting

12. Low-Level Burial Grounds: Part B permitting, trench design modifications, initial closure activities

13. Purex Tunnels: Part B permitting

14. 221 T Containment Systems Test Facility: closure plan development

15. 222 S Laboratory: Part B permit development

16. 224 T TRUSAF: Part B development

17. 242 A Evaporator: Part B permitting

18. 2727 WA Sodium Storage: Part B development

19. 300 Area Waste Acid System: Part B permitting

20. 303 K Storage Facility: closure plan permitting

21. 304 Waste Concretion: closure plan permitting

22. 305 B Storage: Part B permitting

23. 324 Pilot Plant: Part B permitting

24. 325 Waste Treatment: Part B permitting

25. 3718 F Alkali Metal Treatment and Storage: Part B permitting

26. 4843 Alkali Metal Storage: Part B permitting

27. Non Radioactive Dangerous Waste Landfill: closure and post closure permitting, physical closure

28. 616 Storage: Part B permitting

29. B Plant: Part B permit development

30. Grout: Part B permitting

31. Hanford Central Waste Complex: Part B permitting

32. Hanford Waste Vitrification Plant: assumes permit has been issued by this date

33. Purex: Part B development

34. Simulated High-Level Waste Slurry: closure plan permitting

35. 183-H Solar Evaporation Basins: closure and post closure permitting, groundwater remedial measures

36. 216-B-3 Pond: closure and post closure permitting, physical closure

Senator LAUTENBERG. Senator Adams, we're glad to have you here and respect the time that you've given to think about this problem.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

I say to my good friend from the State of Washington—and, indeed, we are good friends. I have played several games of tennis with his daughter, and I want to tell you about mine. My daughter moved from Virginia and is a resident in your State, and she keeps telling me about all that clean air and fresh water she's got out there, and I'm going out to visit her soon.

I was just thinking that if she reads the headlines in your newspapers regarding your testimony, I'm afraid she might move back home again, which I don't want.

Now, let's stop a minute and think. You've got a problem. We're trying to isolate the boundaries of it. Do you know of any solid evidence to date out in your State where this problem has contributed to the ill health of any of the residents of the great State of Washington?

Senator ADAMS. Senator Warner, we have conflicting reports because a number of these nuclear-induced types of health problems take many years to develop. There are accusations that water has moved through the water table to threaten the Columbia River. We do have, when we tested McNary Dam, evidence of radioactive accumulation in the river bottom there.

This reservation was deliberately selected, as the Senator well knows, to be over in the eastern part of the State, and is 25 miles long. There is the downwinder group that's worried about the air. There are the people on the river that are worried about the water. We have had a number of cases—one at a time—of individuals who have suffered from exposure. We are not trying to make this into something that it is not.

What we do know is this: we have these tanks, for example—let's focus on those—159 single-shelled tanks in the ground there, and we don't have a program of whether we are going to ventrify them—that is turn them to glass—bury them, dig them up and send them someplace, and we don't know how far that leakage is into the water table.

Senator WARNER. But you know for certain there is leakage?

Senator ADAMS. Yes, we do. We have the identification of the leakage, and there is no question in that they are leaking.

The double-shelled tanks, so far as we know, are not leaking yet.

But we have the problem that the lower-level radioactive wastes were put in ditches and covered over.

We don't know, Senator Warner, where all of those are, but we try to tell people not to be indiscriminately digging out there.

So that's what we've got. It is manageable if we just get at it. It is well removed from the western portion of the State and our tourist areas, but it is not removed from the Columbia River.

What we need is an organized program going at it, because our people are going to continue to live there.

Senator WARNER. Are you satisfied with the progress being made by the various responsible agencies and departments of the Federal Government?

Senator ADAMS. No.

Senator WARNER. You're not?

Senator ADAMS. I am not.

Senator WARNER. Can you give us specifics where they are falling down?

Senator ADAMS. Yes. They have not entered into these agreements that the committee is looking at to say we will apply these agreements. The movement of the research program of how we're going to do this is very, very slow. The GAO reports—and we will submit those to the committee—have indicated that the handling of the materials over there has not been done in a fashion that complies with either of the two statutes.

Now, I don't want to say that the people over there are oblivious. They are not. They've created a new department, a nice person that comes up and says this is going to be okay. And we get reports that the handling of the materials that they get to a predicality level—I don't know whether you are familiar with that. They give you a one to five that they've gotten too close, and they've gotten between three and four in handling it.

A lot of it is just that people have dealt with this for so long that they don't have a feeling or appreciation of its danger, and that, to me, is a big problem. That's why these statutes and the State people have to be involved.

Senator WARNER. That's been very helpful testimony, Mr. Chairman. We are delighted to have our colleague here. He is very conscientious about his responsibilities towards his constituents, one of whom is my daughter.

Thank you.

Senator ADAMS. Yes. We'll take very good care of your daughter, and we'll keep her on the western side of the mountains.

Senator LAUTENBERG. Your neighbors to the east might not be quite as happy as Senator Warner's daughter.

Senator ADAMS. I fear for my neighbors and constituents and people in the east, and the clean-up program is something that I think is part of their future. They have the expertise. They are wonderful people. And this is the project that they can carry out better than anybody in the world.

I'm grateful that they are there, and that they have these abilities, Senator Warner, because I don't think you want to send a team of just people that you've picked up as plumbers and carpenters and operating engineers in to work with this material.

Senator LAUTENBERG. Thank you very much, Senator Adams, for your valued testimony here today.

Senator ADAMS. Thank you, Mr. Chairman.

Senator LAUTENBERG. I'd like to now call the panel to the table. This would include Mr. Looby, Ms. Cynthia Bailey, Mr. Thomas Germine, and Mr. Dan Reicher.

Since this is an oversight hearing, I would ask you please to stand and raise your right hand. It is necessary to take the oath.

Do you swear that the testimony you are about to give to this subcommittee is the truth, the whole truth, and nothing but the truth?

[Chorus of I do.]

Senator LAUTENBERG. Thank you. Please take your seats.

I'm glad to have the privilege of greeting Ms. Bailey who comes from the Commonwealth of Virginia. I welcome you together with the other panelists.

Ms. BAILEY. Thank you, Mr. Chairman.

Senator LAUTENBERG. And we give a special welcome to Mr. Germine, who shares the benefits of living in the Garden State.

We'll start off in order here, and would ask you to please, despite the hard work that you've done to prepare yourselves for this hearing, to limit your oral statements to five minutes. The clock will go off. We'll take your full written statement if you have one and put that in the record. But because we have so many things to cover we would ask, again, that you confine yourself to five minutes, and the clock will show you a reminder when you're near that amount of lapsed time.

Mr. Looby, if you would just identify yourself and proceed with your testimony.

STATEMENT OF THOMAS P. LOOBY, ASSISTANT DIRECTOR, COLORADO DEPARTMENT OF HEALTH, REPRESENTING THE NATIONAL GOVERNORS' ASSOCIATION

Mr. LOOBY. Thank you, Mr. Chairman, Senator Warner.

My name is Tom Looby. I am Assistant Director of the State Health Department in Colorado in charge of the environmental health protection programs for the State of Colorado. I'm here today on behalf of Colorado and the National Governors Association.

I'd like to accept the chairman's offer to receive the full written testimony into the record, and we have offered that to the committee.

You have all seen the reports and heard reports of the reports done by GAO and others on the magnitude and extent of the problem that different Federal facilities have with complying with the Resource Conservation Recovery Act and the superfund laws in this country.

You are all well aware that it is a very long list, and that these sites constitute some of the worst contamination problems in our country.

Sites that range from naval military bases in California to Maine, and the Hanford site that Senator Adams talked about to the sites in New Jersey and several sites in Colorado all pose serious environmental contamination threats.

In Colorado we have had enforcement actions under the Resource Conservation Recovery Act against Federal facilities at Department of Defense facilities, Department of Energy facilities, Department of Transportation facilities, even the U.S. Postal Service.

We think that the nature of these kinds of contamination problems in Colorado are reflective of the kinds of violations that we have seen in other states, and this has typically resulted from our conversations with our colleagues in environmental agencies throughout the country. The nature of those problems oftentimes entail Federal facilities not getting the proper hazardous waste permits for facilities that are clearly covered by the hazardous waste laws that Congress has enacted.

These are not just administrative-type problems, but they often entail leaking problems where no actions since the development of the State regulations and Federal regulations in the early 1980's has been undertaken. They include: poor monitoring for groundwater contamination; lack of training of people responsible for managing these wastes; poor characterization of hazardous waste and analysis of the wastes; and inadequate record keeping, which is required by the laws and regulations.

We believe that these kinds of violations of the hazardous waste laws result from principally two major reasons: one is ineffective management controls or inadequate management controls of the hazardous waste management responsibilities; and secondly a lack of an adequate independent enforcement capability at some sites.

Around the country you will see that the key successes that we are hearing about and are having occur where states have taken aggressive enforcement action: the TCCAP agreement in Minnesota mentioned early by Senator Adams; the Rocky Flats agreement with the Department of Energy, EPA, and the State of Colorado in our State are examples where a strong State role and strong State enforcement action can result in inter-agency agreements that get us down the road to cleaning up the sites without being involved in extensive and expensive litigation.

In terms of the State role at the Federal facilities, which is what I'd like to principally focus on, we believe that the Justice Department has undercut EPA's independence at Federal facilities, emasculated their enforcement authorities, and is attempting to do the same things to the states.

In particular, Justice briefs and decisions that Senator Adams alluded to earlier restrict the application of EPA enforcement and civil penalties at Federal facilities. Despite the section 120(i) provisions of the superfund law, the Justice Department and other Federal agencies are not allowing states to assert RCRA authorities if Federal facilities are on or proposed for the national priorities list, and we think that that is contrary to the intent of Congress, as is evidenced by information that Representative Dingell has provided.

Secondly, we think that the Justice Department is oftentimes overruling EPA on the applicability of standards. We believe that the groundwater standards are being applied in places that are not reflective of the intent of the hazardous waste laws. We think that use of institutional controls, such as permanent land use restrictions, as the Army and Justice Department are attempting to do at the Rocky Mountain Arsenal in our State are contrary to what Congress intended.

Using institutional controls and restricting land use at the outset of a process rather than at the end is not an appropriate approach to determining what the appropriate levels of clean-up should be.

We fully recognize that temporary use restrictions are appropriate while you are doing a clean-up, but to pre-judge the decision by imposing those kinds of controls at the outset is erroneous.

The inter-agency agreements that have been described earlier contain an inadequate State role. There is no enforcement authorities fully recognizing those agreements, and the section 7002 RCRA citizen suit provisions are not included in those agreements and need to be.

We have several—Mr. Chairman, may I just conclude with a couple of recommendations?

Senator LAUTENBERG. If you can do it very quickly, again, because we will have your full statement in the record.

Mr. LOOBY. I will do so quickly. Thank you, sir.

We need to close the loopholes that result in self-regulation by the Federal agencies. We need to restore the independent oversight and enforcement authority of EPA and further empower the states to exercise all our State environmental and health laws. We need to make sure that the inter-agency agreements have a strong role for states. We need to have better mechanisms for coordination of the activities with a strong role for states. We need to make sure that there is technical assistance provided to states so that we can participate effectively and financially in the discussions with Federal agencies.

I certainly urge the Senate to consider at least looking at the bills that are developing in the House and perhaps initiatives that Senator Adams has talked about and giving consideration to legislative attention to this matter.

Thank you, Mr. Chairman.

Senator LAUTENBERG. Thank you very much, Mr. Looby.

We invite you to identify yourself and proceed with your statement.

STATEMENT OF CYNTHIA BAILEY, DIRECTOR, VIRGINIA DEPARTMENT OF WASTE MANAGEMENT

Ms. BAILEY. Mr. Chairman and Senator Warner, my name is Cynthia Bailey. I am the director of Virginia's Department of Waste Management, which is located in our Secretariat of Natural Resources and responsible for solid waste management, hazardous waste management, superfund, radioactive waste management, litter control, and recycling.

We hold authorization from the Environmental Protection Agency to implement the RCRA program minus those provisions brought in by the HSWA amendments of 1984.

I would like to spend my time this morning discussing RCRA compliance primarily at our Federal facilities. I do have written testimony and three exhibits that I would submit for the record.

We have in Virginia 46 Department of Defense facilities and 17 non-military facilities. We do not have any significant problems with those 17 non-military facilities, nor do we have any significant problems with solid waste management at our military facilities.

Of the 46 Department of Defense facilities, 12 are generators as well as treatment storage or disposal facilities, 9 are generators only, 14 are small-quantity generators, and 11 have filed protectively under RCRA.

Activities that cause our military facilities to be regulated generally are dealing with ship repair, aircraft repair, and vehicle maintenance.

Exhibit 1, in my statement, does give you a summary of the military and non-military facilities that are regulated under our hazardous waste program.

We have had many violations by our military facilities in the last several years; however, I can tell you that in the last year we have enjoyed more concerted efforts by facility personnel to come into compliance with RCRA requirements and better cooperation by facilities staff.

The staff at the facilities is beginning to understand the value of sharing information with the State in cooperation with the State to achieve compliance.

Our persistent violations are typically in the following four areas: one, improper handling of waste on site with respect to labelling, security of the storage area, and safety and security of the containers in which the waste materials are stored; two, failure to implement waste minimization programs or over-designating materials as waste, thus bringing them into the waste stream when they need not necessarily be; three, storage of hazardous wastes without a permit beyond the 90-day accumulation time that is allowed by both State and Federal regulations; and, four, construction of new buildings for storage of hazardous wastes without first obtaining permits.

The first category, on-site waste management, has shown some fairly significant improvement. There are some violations outstanding. Typical violations have been incompatible waste streams stored close to each other, storage of unknown waste materials, and, again, poor container conditions.

During last year's inspections we also noted that most Department of Defense facilities had discrepancies between their current waste management practices and the practices for which they received interim status some time ago.

With respect to waste minimization, our DOD facilities are only beginning to address their waste practices. Excessive amounts of non-hazardous waste becomes regulated as a hazardous waste by poor housekeeping by the facility or by the facility's erroneous designation of a material as a hazardous waste even though it may not necessarily be.

In addition, product that is to be surplused and then sold or reused is often designated as a waste rather than a product available for surplus sale. Better planning by management of the defense reutilization and marketing office is required.

By far our most persistent problem has been the storage of hazardous waste beyond the 90 day accumulation time allowed by Federal and State law both allow you to store hazardous waste for 90 days without receiving a storage permit.

In our enforcement actions, facility personnel have indicated that the practices used by DRMO are largely responsible for excessive waste accumulation.

As I understand it, the facilities are required to use DRMO contractors to transport hazardous waste for treatment or disposal. And, as you might guess, DRMO's contractors don't always schedule their scheduled pick-ups in order to help facilities to comply, but to deal with their own schedules.

We have also experienced difficulties with construction of hazardous waste storage areas without first securing permits. In some cases the facilities constructed have been grossly under-sized to the needs of the facilities.

If I could provide several recommendations, the first would be that there needs to be more attention in general to environmental management by each facility. The persons responsible for those duties are typically overburdened by other administrative duties, or the same person that is responsible for securing the drums is also responsible for environmental management.

Second, there needs to be more up-front thinking about the consequences of the wastes that will be generated by the maintenance practices, etc. It has been our experience that businesses typically do that, and I believe the military facilities could do that.

And, third, each individual facility needs more flexibility to comply rather than relying with some of the burdens that are placed on the facilities by the department, itself.

Thank you.

Senator LAUTENBERG. Thank you very much, Ms. Bailey. As I indicated, your full statement will be in the record, including the exhibits. We appreciate your thoughtful testimony.

What I'd like to do, if I might, is just to reverse the order here and ask Mr. Reicher to give his testimony, and Mr. Germine will go after that.

STATEMENT OF DAN W. REICHER, SENIOR PROJECT ATTORNEY, NATURAL RESOURCES DEFENSE COUNCIL

Mr. REICHER. Thank you Senator Lautenberg and Senator Warner. I am Dan Reicher, a senior project attorney with the Natural Resources Defense Council.

NRDC has been long concerned about safety and environmental problems at the Department of Energy's nuclear weapons facilities. Over the past 12 years the NRDC nuclear project has won a series of lawsuits to enforce Federal environmental laws at Federal facilities including: Hanford, Washington; Oakridge, Tennessee; and the Savannah River Plant in South Carolina.

I have been asked to address the compliance of Federal facilities with CERCLA and RCRA. Concern about compliance with these laws arises because Federal agencies—especially the Departments of Energy and Defense—have mismanaged hazardous waste for decades at their facilities.

A GAO study, for example, found that eight of nine DOE facilities studied have groundwater contaminated with radioactive and hazardous substances to high levels.

At the DOE Savannah River Plant toxic solvents resulting from reprocessing of spent nuclear fuel have reached the deep Tuscaloosa aquifer, a major water source in the Southeastern United States.

At the Feed Materials Production Center near Cincinnati, DOE wastes have contaminated off-site drinking water wells.

And at the Idaho National Engineering Laboratory plutonium injected into the ground is migrating toward the Snake River aquifer.

I will briefly address three issues: one, the adequacy of model provisions EPA has developed for agreements with Federal facilities under CERCLA and SARA; secondly, problems in Federal facility compliance with RCRA; and, third, the adequacy and availability of funding for DOE RCRA and CERCLA clean-up obligations.

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Turning to EPA's model inter-agency agreement, section 120 of CERCLA requires that EPA and Federal agencies enter into inter-agency agreements for the expeditious completion of all necessary remedial action at each of the Federal agency's facilities on the CERCLA national priority list.

EPA recently developed model language for EPA regional administrators to use in reaching these IAG's with DOE regarding specific facilities. We find the model IAG to be flawed in many respects.

Perhaps the most troubling aspect of the model IAG is the way it attempts to preempt RCRA. The model language is clear that "activities covered by this agreement will be deemed to satisfy the corrective action requirements of RCRA." Thus, for example, a schedule an authorized State is developing for DOE compliance with RCRA's corrective action provisions could be totally supplanted by a schedule worked out under the IAG between EPA and DOE.

Moreover, if a RCRA permit is issued to DOE for hazardous waste management, EPA is required under the model language to incorporate the relevant IAG provisions, including appropriate schedules, into such permits. This is at odds with CERCLA, which states that "Nothing in the section shall affect or impair the obligation of any department of the United States to comply with any requirement of the Solid Waste Disposal Act"—that being RCRA.

Congress clearly intended that RCRA's corrective action provisions be given full force and effect at a Federal facility also subject to CERCLA. Unless Congress changes this requirement, an authorized state, under RCRA, would be completely within its rights to enforce any and all corrective action requirements whether or not incorporated into an IAG.

Turning to RCRA compliance, there is no dispute that RCRA applies generally to Federal facilities since the 1984 decision in the case brought by NRDC and the Legal Environmental Assistance Foundation against DOE for RCRA violations at its Y12 plant in Tennessee.

What remains at issue is whether RCRA is to be enforced by EPA, states, and citizen groups in the same manner and to the same extent at government facilities as at private facilities. Despite paying great lip service to the need for consistency in the enforcement of RCRA, the Administration—and in particular the Justice Department and Departments of Energy and Defense—have thwarted the full application of the law at Federal facilities.

Under current Justice Department policy EPA cannot use either of the enforcement mechanisms Congress created under RCRA. EPA cannot sue a Federal agency for a RCRA violation. According to Justice, EPA cannot even issue a unilateral administrative order against a Federal facility where RCRA has been violated. Instead, the agency is relegated to an informal negotiation process with Federal agencies yielding uncertain results.

One former Justice Department official stated that the current situation has, "Essentially limited EPA to arm twisting and cajolery with respect to its sister agencies."

Justice has also vigorously opposed the ability of courts to assess civil penalties against Federal facilities in RCRA suits brought by states and citizen groups.

Turning the to final issue, since the early 1940's the U.S. has spent about $230 billion on the production of nuclear warheads. But the true cost of nuclear weapons production is actually much higher if the staggering bill for environmental clean-up is accounted for.

Last month DOE estimated that $66 billion to $110 billion would be needed to clean up environmental contamination and achieve and maintain compliance with environmental safety and health requirements at its facilities. GAO subsequently reported that DOE cleanup costs may be even higher than DOE estimated. Clearly these numbers are astounding, even by Federal standards.

At current funding levels it would take well over a century to clean up the DOE facilities.

If the department and Congress are going to make a serious and sustained commitment to rectifying environmental problems at the weapons complex major budgetary, structural, and programmatic changes will have to be made unless the department's budget is significantly increased.

Unnecessary and low priority nuclear weapons production activities will have to be scrapped in order to meet pressing environmental clean-up needs.

Congress must closely scrutinize DOE's budget to ensure that the proper balance is struck between funding for warhead production and environmental activities. Furthermore, Congress must ensure that science and not politics determines how DOE sets its clean-up priorities.

Finally, DOE's accounting system for environmental activities must be improved. In our work, confirmed by a recent GAO report, we have found that DOE simply does not know what it is spending on clean-ups under RCRA and CERCLA.

In conclusion, if the department, Congress, and the public are to have confidence that funds for environmental compliance and clean-up are spent wisely, this accounting system must change.

Thanks.

Senator LAUTENBERG. Thank you very much, Mr. Reicher.

Mr. Germine, we invite you now to give your testimony.

STATEMENT OF THOMAS J. GERMINE, REPRESENTING PICATINNY CLEANUP CITIZENS COMMITTEE, PICATINNY ARSENAL, NJ

Mr. GERMINE. Thank you, Senator Lautenberg.

My name is Tom Germine. By way of introduction, I am a practicing attorney and member of the New Jersey Bar, and also a licensed professional engineer. My practice in both of these disciplines concentrates largely in the environmental field.

I live in a small community in western Morris County, New Jersey, not far from the Picatinny Arsenal, and on a pro bono basis I provide legal and technical advice and assistance to a citizens group which calls itself Picatinny Cleanup Citizens Committee, or Pickup for short.

I hope to testify this morning on the deficiencies as seen from the grassroots citizens' perspective of the current approach to hazardous waste management and regulation at Federal facilities.

Western Morris County, as the Senator undoubtedly knows, is a suburban to semi-rural area in which a significant percentage of the residents depend on private wells for drinking water, with the remainder served by municipal wells.

In the last decade contamination of local wells by such organic compounds as trichloroethylene and phenols has been detected concurrently with the discovery of these same organic compounds in very elevated concentrations in the groundwater of the arsenal. In one instance, concentrations as rich as 25,000 times acceptable groundwater limits for organic toxins have been detected.

Despite the economic importance of the arsenal to the region, residents have become increasingly concerned as reports have surfaced of contamination levels exceeding groundwater standards by hundreds and even thousands of times.

The list of contaminants found in the arsenal's groundwater is a veritable inventory of the most toxic of substances including PCB's, explosives such as RDX, tetryl, and TNT, heavy metals such as cadmium, chromium, and lead, even furans, as well as organic solvents such as TCE, TCA, PCE, and related compounds.

These acutely hazardous substances are present at the arsenal not merely in trace concentrations, but, as I have said previously, in concentrations which exceed maximum health-based levels by hundreds, and even thousands of times.

Faced with facts such as these, what the local community needs is two things: ready access to information about the hazards which this site poses, and an opportunity to be involved, to participate, and to be heard in the decisions which will address these hazards.

Unfortunately, the Army has shown little disposition to satisfy either of these needs, reacting defensively, often even antagonistically, to independent citizen inquiry from groups such as Pickup.

Instead of the genuine grassroots citizen involvement which is dictated by CERCLA section 117 and RCRA section 124, the arsenal has claimed the right to screen out citizens and groups which it disapproves of and to direct local mayors to appoint citizen representatives to its Technical Review Committee, or TRC, in direct contradiction of the political independence which the regulations demand of such representatives.

So deeply ingrained is the arsenal's lack of candor that it has, to date, not even condescended to consult its own hand-picked TRC in the clean-up process.

And so the members of my community must read in the local papers that a RCRA compliance agreement is being worked out between EPA and the arsenal behind closed doors without consulting environmental officials of the State, much less providing for public comment as the law demands.

They read that in the middle of these negotiations the official responsible for negotiating on the EPA side accepted a job and went to work for the arsenal as their environmental officer.

So heavy is the shroud of secrecy surrounding this agreement that not even my own Freedom of Information requests, not even requests by aids of senators sitting on this very committee have yielded even a glimpse of its provisions.

And so where citizen involvement and community relations are the watchword for private businesses involved in hazardous waste

clean-ups, the prevailing rule for Federal facilities seems to be, "Let the public be damned." Even as we speak, EPA and arsenal officials are working out the details of an inter-agency agreement in anticipation of the listing of Picatinny on the NPL, thus effectively foreclosing the opportunity for meaningful input by local citizens to the remediation plan.

As a lawyer who advises corporate clients to be good environmental citizens, my job is that much harder, my clients that much more cynical, when the very government which makes the rules is their biggest transgressor.

If General Raffiani, commander of the base, were sitting in this seat I wonder if he would tell us what would happen if a Du Pont or a Dow conducted hazardous waste activities on their sites without even bothering to file a RCRA Part B application? Or if they routinely closed hazardous waste impoundments without filing RCRA closure and post-closure plans? Or if they defiantly ignored EPA orders to undertake a site investigation to identify the contamination at their facility, instead simply asserting, based on no credible evidence whatsoever, that no contamination had migrated off the property?

I think the General would know enough about environmental law—and I am sure the Senator and members of this subcommittee do also—to answer that such a corporate offender would be facing heavy fines and possible imprisonment. Surely our government agencies—and perhaps especially those dedicated to the national defense—are rightfully entitled to more deference than a private party, but not to the degree of making a mockery of the law, not to the degree of placing themselves beyond the reach of the opinions and the interest of those same citizens whom they purport to protect.

I would like to thank Senators Lautenberg and Warner for extending me the invitation to appear before you today.

Thank you very much.

[Attachments to Mr. Germine's statement follow:]

ATTACHMENT 1

[From the Daily Record, July 21, 1981]

PICATINNY POLLUTION EXCEEDS PREVIOUS REPORTS

(By Nahel Elmiry)

WASHINGTON.—Chemicals dumped at Picatinny Arsenal have caused a widespread and potentially serious pollution of underground water—but the Army has no plans to clean up the pollution, a Senate subcommittee was told yesterday.

Contradicting previous reports by arsenal officials, a New Jersey environmental official said recent tests show "significant" groundwater contamination at the Army's weapons development base.

The level of contamination ranges from six to 735 times the federal Environmental Protection Agency's standards for drinking water, said Steven J. Picco, assistant commissioner of the Department of Environmental Protection.

"In one case, the pollutant concentration was over 700 times greater than the proposed federal standards for serious pollutants in drinking water," he said.

But George Marienthal, deputy assistant secretary of defense, said the Army is concerned only with containing the contamination and not eliminating existing contaminants. "I can't imagine cleaning up being a viable option for the United States government," he said, explaining a cleanup would cost too much.

The hearing by the Subcommittee on Environmental Pollution was part of legislative hearings on the allocation of the $1.3 billion "superfund" created under former President Carter for states to use in dealing with chemical contamination problems. The session was concerned with disposal of toxic chemicals at defense department facilities.

Picco said testing of groundwater monitoring wells at Picatinny showed the base's aquifer is contaminated with toxic chemicals similar to those found in the water supplies of neighboring towns.

"Chemicals were detected in six of the 18 monitoring wells drilled at Picatinny last March to determine whether a chemical discharge at one of its metal plating facilities contaminated the groundwater.

"The data indicates significant contamination of groundwater at the site (Picatinny)," Picco said.

Army officials said last week their testing indicated contamination in only two of the wells around the metal plating facility. The officials said the contamination is localized and has not spread outside the facility's boundaries.

Picco, however, said the Army's claim the chemicals did not flow outside of the base is "unfounded."

"I was disturbed to hear that the Army says the chemicals have not migrated," Picco said. "The only reason there is no evidence of migration is because we did not test for migration."

The state environmental department last year cited Picatinny for discharging "significant quantities" of toxic chemicals into an unlined lagoon on the base. At the time it was not known if the chemicals seeped into the groundwater.

The contamination problems at the base are compounded by the presence of 25 chemical dumps whose existence has not been previously disclosed, Picco said. The dumps are unlined, meaning chemicals can easily seep into the groundwater if they leak out of their containers, he added.

"We have no information on how old these dumps are and whether the chemicals did indeed seep into the water. We do know that unreported dumping of hazardous materials did take place (at the arsenal)," Pico said.

Picco said the state plans to conduct further testing of the monitoring wells and to ask the base drill additional wells to determine whether the chemicals have migrated outside the base.

State and local officials have indicated Picatinny is not a likely source of contamination in the water supplies of neighboring Rockaway and Rockaway Township. However, they say, chemicals dumped on the property may flow downstream and pollute the water supplies of Dover and Wharton.

Chemicals detected at the base include tetrachloroethylene, trichlorethylene and trichloroethane, all chemical degreasers suspected of causing cancer. Trichloroethylene and tetrachloroethylene were detected in the water supplies of the Rockaways. The two municipalities have installed carbon filtration systems to cleanse the water of the chemicals.

ATTACHMENT 2—GROUNDWATER CONTAMINANTS AT PICATINNY ARSENAL

	Measured (ppb)	Standard (ppb)
Cadmium	61	10
Chromium	150	50
Cyanide	430	20
Lead	120	50
Trichloroethylene	25,200	1
1,2 trans-dichloroethylene	542	10
Tetrachloroethylene	386	1
Phenols	88	1
Furans	85	50

ATTACHMENT 3—TOXICITY OF GREEN BROOK POND DREDGINGS

	Measured (ppm)	Toxic limit (ppm)
Arsenic	2.25	.....
Cadmium	6.75	1.0
Chromium	47.5	5.0
Copper	25.8	.....
Lead	12.8	5.0
Silver	9.39	5.0

ATTACHMENT 4—SOIL CONTAMINATION IN OPEN BURNING AREA

	Measured (ppm)	Toxic limit (ppm)
Cadmium	2.17	1.0
Lead	63.5	5.0
HMX	303	.....
RDX	1,219	.....
Tetryl	176	.....
TNT	328	.....

Senator LAUTENBERG. Thank you very much, Mr. Germine, for that testimony. We certainly agree with you that no Federal agency ought to be beyond the review of the public.

I just wanted to ask a couple of questions here. Mr. Reicher or Mr. Looby, you apparently find the IAG's that we have—the models—inadequate to address the problems we are likely to find at specific sites. Is that a fair representation of your views?

Mr. LOOBY. Yes it is, Mr. Chairman. I think that the key thing that is lacking from the IAG's from a state's perspective is the presence of the states, number one. And number two, the critical importance of incorporating enforcement requirements under both RCRA and CERCLA for both EPA and the states to exercise.

Senator LAUTENBERG. Mr. Looby, though you are from Colorado, you also are here representing the NGA; is that correct?

Mr. LOOBY. That's correct, Mr. Chairman.

Senator LAUTENBERG. And your views have been formulated as a result of discussions that took place within the National Governors Association?

Mr. LOOBY. That's correct.

Senator LAUTENBERG. Mr. Reicher, do you have a comment on the adequacy of the model IAG's that are being used here?

Mr. REICHER. We also find them to be inadequate, and in particular the way that the IAG's in effect preempt the application of RCRA. They rather unilaterally write RCRA compliance out of the agreements and assume that anything that is reached in the agreement would supplant RCRA's corrective action provisions.

As a result, I think they are clearly in conflict with what Congress intended under both RCRA and CERCLA.

Mr. LOOBY. Mr. Chairman, may I add a thought? It seems critical to us that in order to get meaningful compliance by Federal agencies we need to have the deterrents and the incentives that enforcement and penalties provide.

Those work very well in the private sector, and where we have had enforceable agreements at Federal sites involving states throughout the country, they worked well in the Federal installations. And where you don't have, them, or where you have the Federal agencies trying to obfuscate them then we have long drawn-out problems, as you have heard about with Hanford, Rocky Mountain Arsenal, and many other examples throughout the country.

Mr. REICHER. I would just echo that. I think looking at the IAG's and looking at a number of provisions I think we could very well see several long, drawn-out negotiations. There is a dispute resolution process in the IAG's that is just terribly complex, and even allows for disputes to take place within disputes as in effect.

I think that we could see a process that drags on and ultimately, in the case of some facilities, doesn't end up in an agreement acceptable to anyone. That will especially be the case, obviously, if states aren't included from the beginning.

I think it is a very unfortunate fact that there wasn't formal recognition in the IAG's themselves given to the role of the states.

I would recognize that EPA has emphasized the need to include states, but I think that they could have sent a much stronger signal to the regional administrators, and, more importantly, to DOE about the need to include states if they had included specific roles and specific provisions in the model IAG.

Senator LAUTENBERG. Mr. Reicher, you argue that EPA currently has the legal authority to use the same enforcement tools against Federal facilities that are used against private companies. What is the problem, then? It is not the law. Is it the Administration's interpretation of the law?

Mr. REICHER. Very much so, Senator. I think that the provisions are there for both EPA to issue unilateral administrative orders and to sue Federal agencies.

I would give you an example. As of April, 1987, EPA had issued 151 unilateral administrative orders against 13 Federal agencies. Now we have the Department of Justice telling us that EPA has no authority to issue unilateral administrative orders against Federal agencies. Something is wrong.

I'll also give you an example that there are numerous instances in the case law of Federal agencies suing each other. I can point to a variety of instances, and I would point the committee to a very useful memo prepared by the Congressional Research Service which concluded, number one, that EPA does have authority to sue other agencies; and, number two, EPA does have authority to issue unilateral administrative orders.

So I think it is simply a function of the fact that this administration has erected barriers to enforcement of RCRA.

Senator LAUTENBERG. Thank you.

Mr. Germine, in fairly simple terms how do you think the Army could improve the involvement of the people from the community at nearby Picatinny?

Mr. GERMINE. Senator, we have repeatedly made requests for access to such documents as the draft compliance agreement under RCRA, of the progress toward a remedial investigation of the site.

We would like to approach the arsenal on an open-handed basis and share information so that we, the community groups and the

environmental groups in the area, may pass that information along to the local residents.

Senator LAUTENBERG. Have you made that request to the base?

Mr. GERMINE. Yes we have, Senator. We have formally requested to be involved in the Technical Review Committee at the base. The response that we received was a rebuff, basically.

Senator LAUTENBERG. You put your request in writing?

Mr. GERMINE. Yes.

Senator LAUTENBERG. And was the rebuff in writing, or some other form?

Mr. GERMINE. The response that I received from the officials at the base was by telephone. However, shortly after we made our request they convened a meeting of the local mayors and announced that the mayors would be hand-picking, selecting representatives to sit on behalf of the community on the Technical Review Committee.

As I understand it, that's not what the citizens involvement provisions of either RCRA or CERCLA envisioned. But yet we were told by the officials at the base that they felt they had the prerogative to choose and prefer who they felt were legitimate community representatives.

Senator LAUTENBERG. The citizens have a role to play, whether or not the Department of Defense likes it. They have a requirement to include them because if they are on the right track then obviously they have nothing to hide, and they ought to share the good news with the community. If they don't, it certainly suggests that they are trying to do something that the citizens would not agree with.

So what we've got to do is look into this further. I was at the base, as you know, on Saturday. And I was given the assurance—perhaps the impression—that the community was directly involved with its representatives and participating. It is disappointing to hear that the proposal put forward by the Army for compliance is still being negotiated.

What actions, Mr. Germine, would you think that the citizens would like to see from EPA and the Army to resolve this?

Mr. GERMINE. There are two points I think that are uppermost in the concerns of the surrounding communities. Number one, there has been a tendency on the part of the officials at the arsenal—and, unfortunately, on the part of some local elected representatives—to state very unfounded assertions that there is no evidence of any migration of the contamination off of the site.

This strikes us as being a great violation of the site investigation process which is supposed to go on under RCRA and CERCLA. Since there has been no adequate definition of the groundwater contamination there has been no adequate groundwater monitoring program.

EPA had suggested earlier on in the negotiation process a setup of cluster wells around the facility boundaries, and we are concerned that monitoring take place not only within the boundaries of the facility, but also outside of the boundaries of the facility in the surrounding communities to detect if that contamination has left the base, if it is affecting local groundwater. That's number one.

Number two: we don't want to see a situation where this is shuffled into a superfund enforcement, and, as the experts who have spoken before me have noted, the State involvement is cut away, local involvement is cut out, and it becomes strictly a deal between EPA and the base. Especially given the fact that Justice seems to be viewing the unitary executive as being all one party.

This is especially crucial in New Jersey because the type of contaminants we are dealing with—the organic solvents—State standards for groundwater of these substances are often more strict than Federal standards by a factor of ten, and well-warranted, Senator, as you know because of the particular groundwater problems that we have in the State of New Jersey.

Senator LAUTENBERG. Did you say less or more stringent?

Mr. GERMINE. More stringent. And we believe that under State enforcement of RCRA we will see the enforcement of the more stringent State groundwater requirements, and we fear that by moving this over into strictly a CERCLA superfund operation, especially if the interpretation is carried out by the Federal Government that this preempts RCRA corrective measures, that we will lose the advantage and the necessity of our more-stringent local and State groundwater requirements.

We would also like to see some citizen involvement up front. We don't see the reason why inter-agency agreements and compliance agreements are negotiated incestuously between EPA and DOD, and there is no State involvement or local citizen involvement.

I think your aide can inform you that he, when he questioned officers of the DEP about the status of this compliance agreement they were unaware that a compliance agreement was even being negotiated. Now that's an unforgivable situation that the State agency, with the delegated enforcement authority under RCRA, has not even been consulted and has not even been brought into the negotiating process of this compliance agreement.

Senator LAUTENBERG. Mr. Germine, the intention of superfund, with its cleanup standards, is certainly never to set a less stringent or preempt in any way a requirement by the State that a tighter standard be observed. In fact, the superfund amendments were designed to apply more stringent state standards in a nonpreemptive manner. So we appreciate the fact that you have called that to the attention of the public here.

What about DEP's role generally? How would you describe that?

Mr. GERMINE. I think that the DEP has been an uninvited guest to the party the same way that our local citizens have been. I think that the DEP, given the pronouncements of the legal posturing that has taken place on the part of DOD and Department of Justice, is uncertain that it even has jurisdiction, despite the fact that it has obvious RCRA enforcement authority.

On that basis we have had very little DEP involvement. And I think that is a glaring inadequacy. I think they should be—and the citizens agree with this that we have more confidence in our local State officials who are more sensitive to the particular problems of New Jersey, and we want to have them involved directly in this process and not be left out until the compliance agreement is reached.

Senator LAUTENBERG. We thank you all for appearing here this morning.

We will be discussing some of the specifics that you brought up, Mr. Germine, with the Army and Department of Defense when they are here.

Before I release you, Senator Pressler, our distinguished colleague from South Dakota, is here and I just wonder if you have any questions to ask of this panel?

Senator PRESSLER. I thank you, Mr. Chairman, for holding this hearing. I have been at other hearings this morning. I shall carefully read the statements of the witnesses, and I thank them very much for what they have contributed.

Senator LAUTENBERG. Thank you very much, Senator Pressler.

Thank you all very much for your testimony. We will hold the record open. You will be able to submit additional material if you choose.

Mr. REICHER. Senator, could I take just 30 seconds and make an additional point?

Senator LAUTENBERG. Sure.

Mr. REICHER. I am concerned that we may reach all the interagency agreements, all the Federal facility compliance agreements, we may be able to enforce RCRA and CERCLA to the fullest extent, but we have got a fundamental problem, and that is how we're going to pay for these clean-ups.

I think we're going to see an awful lot of conflicts within DOE and within DOD, between DOE and EPA, among the states, and we're looking at just absolutely astronomical costs—over $100 billion.

I would point out a very recent report from one of the House appropriations subcommittees which looked at 21 DOE construction projects recently and found that on average the cost estimates increased by 500 percent over the term of those construction projects.

So, using that as a yardstick, we could see clean-up costs at just the DOE facilities alone approaching half a trillion dollars.

I think that it is important to reach these agreements. It is important to figure out how these laws are going to be applied. But equally important is to figure out how we're going to fund these clean-ups and how we're going to set priorities.

Thank you for that additional time.

Senator LAUTENBERG. Thank you for that comment, Mr. Reicher. The question is: what is the cost of not dealing with this in terms of health and environmental concerns.

That's a very serious problem. That's why I've asked GAO to look at this and try to get some estimate of what it's going to cost us. There is no—to use the expression—free lunch.

Thank you very, very much for being with us.

Mr. REICHER. Thank you, Mr. Chairman.

Mr. LOOBY. Thank you.

Ms. BAILEY. Thank you.

Mr. GERMINE. Thank you, sir.

Senator LAUTENBERG. The panel: Doctor Porter, William Parker, Ernest Baynard. I would ask you, as you have observed before, that anyone who is going to give testimony please stand and take the oath since this is an oversight hearing. I ask that you raise your

right hand and swear that the testimony you are about to give to this subcommittee is the truth, the whole truth, and nothing but the truth?

Mr. PORTER. I do.

Mr. PARKER. I do.

Mr. BAYNARD. I do.

Senator LAUTENBERG. Please take your seats.

Doctor Porter, it is not unusual to have you here. We welcome you today and we'd ask you to give your testimony first.

The usual admonitions prevail here, and that is to watch the clock if you will. We appreciate the amount of work that goes into preparing testimony here, and we do want it all in the record. We'll put it in the record, but we ask you to summarize so that within five minutes you cover the essential points, if you would, please.

Win?

STATEMENT OF J. WINSTON PORTER, ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE, ENVIRONMENTAL PROTECTION AGENCY, ACCOMPANIED BY CHRISTOPHER GRUNDLER, DIRECTOR, FEDERAL FACILITY HAZARDOUS WASTE COMPLIANCE OFFICE; AND LISA FRIEDMAN, ASSOCIATE GENERAL COUNSEL

Mr. PORTER. Thank you, Senator. It is a pleasure to be here today. I have with me Chris Grundler on my right, who is director of my Office of Federal Facilities Compliance. And behind me is Lisa Friedman, who is Associate General Counsel at EPA.

I will submit my testimony for the record and briefly summarize my testimony.

My view, Mr. Chairman, is that we have made quite a lot of progress in a very difficult area. What I want to do is give you a status report today on where we stand very briefly.

First, with respect to superfund we have a docket of about 1,095 potential superfund facilities at Federal facilities. We have now listed 32 final superfund or NPL sites, 30 proposed sites. We expect to propose another 40 to 60 this fall.

As you heard earlier today, section 120 of SARA—that is the amendments of 1986—provide for EPA and Federal agencies to enter into IAG's for remedial actions at national priority list sites. Notwithstanding what you heard in the previous panel, we are strongly encouraging 340 agreements—that is state, EPA, and the Federal agencies.

I suppose I should underline more clearly the memo I sent out to the regions recently telling them that I want the states involved in these. It was not something that's strictly voluntary. It is something that we are supposed to do as a matter of course.

These IAG's set up facility-wide strategies. They set priorities and schedules, and they deal with those RCRA and CERCLA issues. I think that is very important. It is not a cutting out of anybody. It is a matter of wrapping in everybody to deal with these issues and to deal with both RCRA and CERCLA in a rational way with all the parties at the table.

TCAAP was mentioned—Twin Cities Army Ammunitions Plant—where we did have an excellent enforceable document. I think Minnesota was very aggressive in this action. They did want to get their views known in terms of how they would be involved. They had a number of RCRA requirements they wanted to wrap into the agreement, and we were able to do that.

I got a letter just a few days ago from Attorney General Hubert Humphrey praising us highly for that agreement saying it's working well, he thought it was a good process, and hopes it will serve as a template for other such agreements.

I would encourage our critics to read the TCAAP agreement carefully, and probably more particularly talk to the State of Minnesota, and specifically Attorney General Humphrey if they have questions.

We, in those agreements, the model agreement language that we have negotiated with DOD and DOE—and I might say that is model language to date between us and them. We have specifically said that the states need to come to the table and bring their concerns. We did not try to cut them out. In fact, we want to bring them in.

It does include State and citizen enforceability. It does include dispute resolution with EPA as the final decision-maker and not DOE or DOD. It does stipulate penalties for failure to meet time tables and other requirements. And it streamlines the process of doing the RFS.

In addition, I have set up a State task force involving legal types as well as environmental commissioners from Minnesota, Colorado, Washington, Maine, Ohio, and California to work with us further on the kind of issues the states want to have in these agreements.

We are currently negotiating 25 IAG's. Specifically this fall we intend to include, among others, the Letterkenny Army Depot in Pennsylvania, the Louisiana Army Ammunition Plant, Tinker Air Force Base in Oklahoma, Sharpe Army Depot in California, the Livermore National Lab, Monticello sites in Utah, and the DOE Mound Facility in Ohio.

So that's a quick overview of superfund. We're working very aggressively. And the premise of all this is that the State will be involved and involved in a big way.

Let's move to RCRA for just a second because there is some overlap here.

For compliance issues, EPA issues a notice of non-compliance and negotiates a Federal facilities compliance agreement. Examples include Rocky Flats where, indeed, as Mr. Looby has indicated, the State was very aggressive. We got to the table. In a matter of a month or two we worked out a compliance agreement at Rocky Flats. It has worked well in my opinion.

At the Idaho National Engineering Lab we've also done a similar thing, and most recently to the Idaho Army Ammunition Plant.

All of these have citizen and State enforceability and dispute resolution, and we have model language for that.

In addition, we have an elevation process to raise issues to me or the administrator if we can't reach agreement. That's what happened at the Iowa Army Ammunition Plant. We got stuck. It was

elevated to me. I called the Assistant Secretary of the Army, and within a few days we had that settled.

Currently, I have elevated to meet Holliman Air Force Base, Lake City Army Ammunition Plant, and the Naval Weapons Station at Earl for resolution with my opposite number over at the Pentagon or other agencies.

We want to deal with corrective action as part of this process. We, in the permitting process under RCRA, are dealing with corrective action. Only one State is authorized now for corrective action under RCRA, but we have 15 applications in. We expect to have nine more states authorized this fall for corrective action. Again, we want them to be full players.

Finally we are going after GOCOS—that is the government owned contractor operated facilities. On June 30th we issued a RCRA 3008(a) complaint to Revenna Arsenal, Inc., and Physics International at a plant in Ohio. We sent a special notice letter to General Dynamics near Fort Worth to say that you are responsible party under superfund and we want an offer from you to do the RFS. We issued a complaint on June 21 to Day and Zimmerman, a contractor at Lone Star Army Ammunition Plan under RCRA. So we have full authority to go after private parties operating these facilities, in addition.

So my feeling, Mr. Chairman, in closing is that we have made good progress on the procedural aspects. We obviously have a basic issue here as to how to work both RCRA and CERCLA into these facilities. Certainly the states want their maximum RCRA authority because they control that program more. On the other hand, the law gave us a lot of authority and responsibility under CERCLA or superfund.

The IAG process is the one I'm trying to use to say let's all get to the table, work it out, and be sure we cover everybody's needs. We certainly need to go faster. We need to get these into more of a routine.

I have been disappointed in some cases lately with some of the agencies because after I thought we had model language together I find that I'm still getting things elevated to me when we need to get these in more of a routine. That happened at Iowa Ammunition Plant. It is happening to some extent at Picatinny where I'm going to try to get that finished by the end of this week, but there are some issues there we're discussing that I thought we had settled and I intend to make that clear to the folks at the Pentagon.

I want to work with this committee to move ahead. I want the states to be aggressive. Mr. Looby was absolutely right. Where the states have been aggressive we have gotten action. And I don't think that's because there are bad people at DOD or DOE, but they have a lot of priorities, and they need to be enforced against just like private parties.

So I encourage the states to be aggressive, and we're trying to be aggressive.

I want to get with Rocky Mountain Arsenal and Hanford settled. Those are big, visible sites. I talked yesterday to Chris Gregware, who is the environmental commissioner for Washington, and agreed to meet with her in September and see if we can get Han-

ford settled. That's been debated too long, and I think we're going to be able to do it.

So in closing, Mr. Chairman, I'm reasonably optimistic. We spent a lot of time on this issue. I think we've made good progress, but I appreciate your interest in it because we've got to keep pushing. These are hard cases, and we've got to keep after them.

Thank you.

Senator LAUTENBERG. Thanks very much, Doctor Porter.

Mr. Parker, if you would present your testimony next, and, again, with the same five-minute rule if you would, please.

STATEMENT OF WILLIAM E. PARKER III, DEPUTY ASSISTANT SECRETARY (ENVIRONMENT), DEPARTMENT OF DEFENSE, ACCOMPANIED BY COL. MATTHEW C.C. BRISTOL III, MILITARY ASSISTANT TO THE GENERAL COUNSEL; NANCY STEHLE, DEPUTY DIRECTOR FOR ENVIRONMENT, OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (SHIP BUILDING AND LOGISTICS); GARY VEST, DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (ENVIRONMENT, SAFETY, AND OCCUPATIONAL HEALTH); AND LEWIS D. WALKER, DEPUTY FOR ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH, OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS AND LOGISTICS)

Mr. PARKER. Thank you, Mr. Chairman.

First let me introduce Mr. Lewis D. Walker, Department of the Army; Mr. Gary D. Vest, Department of the Air Force; Ms. Nancy Stehle, Department of the Navy; and Colonel Matthew Bristol III, Office of the General Counsel.

With your permission I'd like my formal statement placed on the record.

Senator LAUTENBERG. Your prepared statement will be included in full in the record.

Mr. PARKER. It is a pleasure for me to testify before your subcommittee regarding DOD's programs. I would like to highlight some of the points from my written statement I have prepared for the record.

I outlined in my statement nine strategies we have to achieve goals and objectives we have set for hazardous waste management. Let me emphasize that those strategies are aimed at identifying and cleaning up hazardous and toxic waste sites that threaten human health and the environment as quickly as possible. Also, we will responsibly manage on-going RCRA operations. Clean-ups will be done in compliance with the law and applicable regulations.

DOD faces challenges in dealing with programs where it has commonalities with the private sector, and is in some ways unique. For both industry and the DOD, hazardous waste management is a highly visible and emotional concern to the public. Its technology is evolving. There are continually-changing requirements for handling and clean-up.

However, for the DOD our mission, size, complex industrial infrastructure, co-existence of living and working areas on our bases, and the number of installations that we are responsible for exacer-

bate the challenges for hazardous waste management and make us unique.

Furthermore, we manage in an often-changing public and political arena. I'm not suggesting that we are not subjected to the same environmental standards as private parties. Far from it. We should and can be a model for hazardous waste clean-ups and other programs, but it must be recognized that we are different.

We can move aggressively to clean up, but because complex administrative procedures, lack of understanding of DOD constraints, and higher-priority demands; the EPA and the states have problems responding to us. Consequently, we get bogged down.

In my view, we have a situation where we have the policymakers who are receiving enormous pressures to improve DOD efforts performing micro-management. This has lead to the "regulation overload" that I discuss in my written testimony.

We cannot lose sight of the mission: to clean up the environment quicker, better, and less expensively. Regulations and litigations do not move one bucket of earth or pump one gallon of water. Both our time and our money would be better spent on solving technical problems.

In spite of these challenges, we are doing many things to keep our clean-up program on track. Recently we concluded an agreement with the EPA for model language to be used as a nucleus for inter-agency agreements at our NPL sites. To this we have developed supplemental agreement guidance language in an effort to make workable agreements happen more quickly.

The services are evaluating innovative contracting procedures to better accomplish required work. We are taking aggressive action to minimize hazardous waste generation. At all levels increased command emphasis is being devoted to environmental programs.

We are making good progress, but there is still much to do. We will continue to look for ways to clean up our sites faster, better, and more effectively. We will seek to involve State and local authorities and the public in our clean-up programs to keep them informed and knowledgeable of what we are doing and why. We will continue to seek Congressional support to obtain the necessary resources to fund our clean-up programs and to accomplish those clean-ups on a worst-first basis to safeguard human health and the environment.

For those installations where we have currently operating facilities governed by RCRA, we are aggressively moving to identify and resolve all compliance problems.

As Secretary Carlucci underscored, "I want it made very clear that the Department of Defense is committed to environmental protection. We recognize that it is in the national interest to protect the environment, and also in our own interest since that is where our military people, their families, our civilian employees work and live. It is our environment too."

To that let me add that we can and will continue to manage our environmental programs in the best manner for the public good.

We are making progress.

Mr. Chairman, that concludes my remarks. Thank you very much for the opportunity to come before this subcommittee today and to present this testimony.

Senator LAUTENBERG. Thank you very much, Mr. Parker. Congratulations for hitting the time deadline as well. Your testimony was very helpful.

Next, Mr. Baynard. I don't mean to intimidate you with that comment. Please take your full five minutes and, once again, whatever you haven't covered in that period of time will be included in the record in your full statement.

STATEMENT OF ERNEST C. BAYNARD III, ASSISTANT SECRETARY, ENVIRONMENT, SAFETY AND HEALTH, DEPARTMENT OF ENERGY, ACCOMPANIED BY JOHN TSENG, DIRECTOR OF ENVIRONMENTAL GUIDANCE AND COMPLIANCE

Mr. BAYNARD. Thank you very much, Mr. Chairman. I appreciate the opportunity to appear before this subcommittee. I have submitted my written statement for the record, and I'll just hit a few of the high points if that would be appropriate.

I do have with me today Mr. John Tseng, who is my Director of Environmental Guidance and Compliance. It is our pleasure to appear before this subcommittee.

I think that an awful lot has been said about agreements with States and agreements with EPA. To put this in perspective, one thing that I would like to point out, initially, is that prior to 1985 the Department of Energy had entered into four interagency agreements with EPA and/or the States. Since that time we have entered into 29.

I think that the direction we've taken under Secretary Herrington has been significant. I think that some of our greatest successes have been already alluded to this morning. Mr. Looby from Colorado referred to the Rocky Flats agreement, and we are very pleased with that agreement. It has enforceability language in it, as does the agreement that Doctor Porter referred to a few moments ago at Idaho National Engineering Laboratory.

We feel that enforceability language in our agreements is absolutely essential, and to that end we have gone back and we have tried to include, in some earlier concluded agreements, specific enforceability language, and we have been successful in that regard. We have put enforceability language in the agreement for Portsmouth, the Gaseous Diffusion Plant there; we've put enforceability language in the agreement covering our Feed Materials Production Center in Ohio. This is a trend that we are very pleased with, and we think that the agreements that we are working on and that we have concluded with the States and EPA are definitely the wave of the future.

The model interagency language that has been referred to repeatedly this morning was agreed upon by the Department of Energy and EPA last May, and we think that's also significant.

In the discussions that we had with EPA the States were not included in that discussion, but certainly our intention is to try to get the States included in the actual agreements when it comes time to negotiate them. Given the uncertainties associated with RCRA versus CERCLA and so forth we think that we'd rather spend our time cleaning up sites than arguing over what preempts whom and who can do what to whom. Therefore we think that if we can enter

into agreements with EPA and the States in a comprehensive way covering CERCLA, RCRA, and, indeed, if there are other environmental problems, those, as well. We think that's clearly the way to go.

We are very hopeful that we are going to be able to conclude one or two more Federal Facility Agreements in the next month or two, and perhaps more in the months ahead.

One or two things that the Department has done to help us get a better grip on the size of the problem and the order in which we think cleanup should take place—because, as I think we all recognize, it is a very big problem—is the prioritization study that we have undertaken—the environmental survey. This survey initially includes the 16 defense production facilities.

Using a very sophisticated model, that we are quite pleased with, we are able to compare the human health impacts of various modes of pollution. In other words, we can compare groundwater pollution versus air pollution versus other kinds of pollution to determine where we think the possible effect on human health is the greatest and where efforts might be more profitably directed initially.

Also we're throwing environmental degradation into the formula, and this is a factor that just doesn't really lend itself to being modeled. It is more of a human judgment factor. But we are putting this into the process, as well, and we hope in the next couple of weeks that we will have our final prioritization study on the 16 defense production facilities.

We also hope to have a ranking, by the first half of the next fiscal year, on all of the Department of Energy facilities.

We are conducting a needs study, and we—as has already been pointed out—have talked about very large sums of money that are needed to clean up some of these sites. We think that this is going to help us at least get a grip on what it is that has to be done, where the dollars have to go, and, at least, what the order of magnitude is and the number of dollars that are going to have to be spent. As everyone acknowledges, it is going to be expensive and it is going to take some time to do.

The budget process is something that needs attention. As the gentleman from NRDC mentioned earlier, GAO was critical of our budget process, and justifiably so. We are changing that. We hope to have those changes made by the beginning of the next fiscal year.

In addition to defense programs, we hope to have the other program areas able to cast, in budgetary terms, the amount of money that they are going to spend on corrective action under RCRA and superfund CERCLA corrective action, as well. This would be by next January when the fiscal 1990 budget is submitted to Congress.

In closing, Mr. Chairman, we hear an awful lot about the legacy of the past, and we are mindful of the legacy of the past. But we feel very confident that right now we are creating a legacy for the future that we can all be proud of.

Again, I appreciate the opportunity to be here.

Thank you.

Senator LAUTENBERG. Thank you very much, Mr. Baynard.

Doctor Porter, you may want to call on someone from your staff here, but it is my understanding that before signing the Picatinny compliance agreement the installation has still some way to go. They have made some changes, but it has still not been approved by EPA; is that fair to say?

Mr. PORTER. That's correct, Mr. Lautenberg.

Senator LAUTENBERG. What are the factors in this agreement? Can you tell me?

Mr. PORTER. I may need some help from Mr. Grundler here on that, but I think there were eight or ten things that the base changed. We thought the agreement had been negotiated and was ready to sign, and there were a number of factors they changed. We have looked through those and I am getting together later today or tomorrow on them.

Frankly, it looks like most of them are changes we can accommodate. There are two or three that may be a little sticky, but I don't know.

Chris, do you want to add anything to that as far as the specifics?

Mr. GRUNDLER. I think Mr. Walker might want to join in, but it appears the problem is—and I can understand this—the commanding general, since the indictments down at Aberdeen, is concerned about his personal liability. We think it is a misunderstanding on the general's part, and we hope to convince him that he is not personally liable for the civil violations of RCRA.

Most of the changes that he requested were directed toward that concern. And, consequently, unfortunately they will also have some impacts on how the agreement might, in the future, be enforced, which is our primary concern.

But our deputy regional administrator is, I think, meeting with the general as we speak, and Doctor Porter will be communicating with him this afternoon or tomorrow.

So we are committed to getting it solved, though, this week.

Senator LAUTENBERG. But is the general's liability the only area of disagreement? How long has this negotiation and discussion been in the works, by the way?

Mr. WALKER. It has taken some time to work through the issues. We did have the basic agreement that we had signed at Iowa a few months ago, and we are working with that. This was just prior to the indictments at Aberdeen Proving Ground which has slowed the process. This was because the general at Picatinny Arsenal wanted to review all of the activities and get certifications from all of the employees there that they were living up to the spirit and intent of the RCRA provisions.

It is true that the only remaining substantive issues are two or three that focus on personal financial liability, and that is a grave concern. We want to have an agreement because it lays out a plan and approach to deal with the deficiencies.

Once we get through those three hurdles I think we can sign. Our goal is to have it signed by the end of this week.

Senator LAUTENBERG. It is fair to say that nothing in that agreement will violate the test of the most stringent standards?

Mr. PORTER. No, not at all, Mr. Lautenberg?

Senator LAUTENBERG. And how about Mr. Germine's comment about the fact that this may preempt a stricter State standard?

Mr. PORTER. Well, I think what he was concerned about, Mr. Chairman—he was talking about also the superfund aspect that if we get this listed under superfund it would somehow preempt the State and so forth and we can discuss that.

I might say here, by the way, that EPA in this instance actually over-filed because we didn't think the State was being aggressive enough. They were not doing much here. And I think as a general matter, while I think New Jersey does a good job in most of its environmental laws they, frankly, have not been very aggressive on Federal facilities. So a year ago we actually over-filed or filed our own Notice of Noncomplaint (NON) in addition because we didn't think the State was being stringent enough and have been negotiating with the people in that regard because we wanted to get it moving.

Senator LAUTENBERG. How can EPA involve itself in the process of helping the Army keep local officials and citizens involved? You face this all the time in questions about the relationship to the communities in which actions are being contemplated. So what can you do to help out there if called upon?

Mr. PORTER. Well, one of the things we've done, Mr. Chairman, is in all these inter-agency agreements we've got published time tables and we are trying to work through them. We are sitting down, and we want the states involved in each and every one of them, and we are trying to, as I said, encourage the states also not at all to forget their own laws.

For example, Senator Adams mentioned 159 tanks at Hanford. We are quite willing to discuss the State's closing those tanks under their RCRA regulations. That's one of the things we are negotiating now is those that look like RCRA closures to us and look like RCRA closures to the states we're not going to preempt that, we're going to say let's build an agreement which would allow you to close those 159 tanks under your RCRA authority.

So we're really trying to work closely with the states. I think from the Federal facilities standpoint the incentive that seemingly they would have is that until they enter into some kind of agreement where we all put our name on the dotted line they are subject to all kinds of State enforcement and laws, and no one is going to force a State to sign. If a State says they refuse to sign it and they want their independent authorities and they think they can convince some judge of that, they can keep going.

So I think there is a lot of pressure on all sides to get these done.

Senator LAUTENBERG. How about, once again, the citizen involvement? Mr. Germine, you are still there. You made a comment before that some of the local mayors were invited to nominate a few people to the negotiating group or discussion team. Do you feel the community has been invited in a way that reflects the opportunity for the citizens to express themselves?

Mr. GERMINE. I emphatically do not see that.

I think the contents of this proposed agreement are completely unknown to the community and there is no necessity for that, especially as we hear bits and pieces about enforcement provisions, about provisions that would affect citizen suits, rights.

We believe that there is every reason to have local involvement as well as State involvement—citizen involvement at the stage of developing the compliance agreements.

Senator LAUTENBERG. Thank you very much, Mr. Germine.

Win, is there anything that we can do—and I'll ask the same question of Mr. Parker; improve public access?

Mr. WALKER. Mr. Chairman, I would like to respond to this because it does hit directly at the Army, and I am responsible for that program and General Raffiani responds to our policies.

The situation—Mr. Looby about three years ago could have been sitting at the table saying the same thing about Rocky Mountain Arsenal. It is a matter of dealing with our worst first situations. Rocky Mountain Arsenal was definitely one of our early cases. It was a very bad situation.

We corrected that by making sure that we sent all of our reports and all of our information to the states and interested agencies—all the Federal agencies included.

We started within the past year of every four months inviting people to visit Rocky Mountain Arsenal for information meetings to explain what we have done and what we plan to do in the next quarter.

You can say the same that two years ago it would have been Twin Cities Army Ammunition Plant. You have heard what Doctor Porter said about the Twin Cities situation. And prior to that it would have been Grant Island, Nebraska, the Cornhusker Army Ammunition Plant.

I have heard Mr. Germine's very clear picture of the situation there, and I want to assure him that we are putting in place a greater and a more-involved public involvement plan such as we have established at other installations. It is our policy that we do not have anything to hide in the area of environmental contamination.

I think that the situation at Picatinny is an exemplary situation where we have trained our people to deal with secure information. Now all of the sudden a commander is thrown into a situation where they have to have greater public involvement, and this is a learning process.

This plan should be in General Raffiani's hands for review for implementation, and there would be a better opportunity for State and local people to understand what is going on there. If they have data that shares any knowledge of adverse health aspects or potential adverse impacts on the environment we would like to have that information. I do want to cultivate and develop an open process there. You have our attention on the matter. It is the next round of priorities that we are dealing with now after you get beyond the Rocky Mountain Arsenal and Twin Cities.

Senator LAUTENBERG. Mr. Walker, in all fairness you don't want to preempt the citizens' right to know what is taking place, and therefore if you make the unilateral judgment that you're taking care of the things that affect the health of the people in the community I think you are really being preemptive in a way that is not an accepted standard today.

Secondly, if there is anything of concern about the general's personal liability, again we don't want him exposed to anything unnecessarily, but citizens must have access to the process.

Mr. WALKER: We'll have a real reluctance of people wanting to take over some installations, and I don't want that.

Senator LAUTENBERG. I understand that.

Mr. WALKER. But we——

Senator LAUTENBERG. Why is it that Mr. Germine or the citizens of the community haven't been able to get a look at what has been put together so far? I don't understand that.

Mr. WALKER. In defense of the situation, I want to review and correct that situation or the perception at Picatinny. In defense of the installation, I think that General Raffiani, being new, wanted to gain an understanding of what kind of a problem he really was facing at Picatinny. Once he understands the parameters and dimensions, I am sure that he wants to share it, because public confidence outside the fence is very important.

Senator LAUTENBERG. But you have experts, you have trained people in the law, and you have people who are committed to concern themselves about the environment. Why can't we help the General along and not again violate his own self-protections, but to include the community at this juncture? The conditions that you found certainly don't violate General Raffiani's right to self-protection. It would seem to me that it would be pretty easy for you to turn it over.

If you have confidence in the information you've developed, if you have confidence in the course that you're taking, let's make it available. And then we're not going to be second guessed. You want to do the right thing. I think it is fair to say that all of us now are much more aware of the problems that have been created than we were before.

We have a chance to remove some of the suspicion and cynicism that exists out there.

Mr. WALKER. Mr. Chairman, I agree; we will be following up on that very issue.

Senator LAUTENBERG. Thank you.

Win, is it likely that the only way to solve the Picatinny problem is to put it on the NPL? If that's the case, I'd ask you to expedite its placement and to commit to including it in the next NPL review and next NPL listing. What is the soonest, if it qualifies? I'd ask your judgment now if it looks like it ranks among the sites that would get in on the NPL and what you can do to move it along?

Mr. PORTER. Mr. Chairman, it does look like a site that would rank. We've done kind of a rough draft score that seems to be well above the score you need to get on the NPL, so we'll be doing that and we'll try to expedite it. I can check for the record what the exact timing is.

I might say, by the way, that there are some other advantages to being on the NPL. One is that you trigger the technical assistance grant program to the States or to the citizens. The IAG you would enter into presumably is subject to citizen review and public comment. So we actually would have some advantage from public participation process, too, if we have it on the NPL.

Senator LAUTENBERG. What is the next—are there listing rounds? How do we list these?

Mr. PORTER. We have another round coming up this fall, and I would ask Mr. Grundler if he knows if this is on it or could be put on it.

Mr. GRUNDLER. Very high potential that it would be on the update number eight, which is going to be a special Federal facility update scheduled for some time in early fall.

Senator LAUTENBERG. I wonder if there is enough information to rank it, get it on the list, and decide what its ranking might be before we have to wait too much longer. You can see that it is a very sensitive situation.

I flew over the site this past Saturday. The Army really indicated that it wanted to get on with this. And I'm sorry to say I see it bottled up in procedure.

There are so many sites on this major site that we just have to get on with it. The people who live nearby, those who work there, residents on the base, almost 6,000 employees there—we have a responsibility to all these people.

So I urge you to push this one along and see if we can get it listed.

Mr. Walker, you have no objection to that, certainly. And maybe some encouragement by the Army would help us, as well.

Do you have—either Doctor Porter or Mr. Parker or Mr. Walker—any idea of a schedule for actual initiation of cleanup at Picatinny?

Mr. WALKER. Mr. Chairman, we have a series of studies going on. I hope to have a fairly definite plan later in the last quarter of this year of our actions that we will take to correct the conditions there or where we need additional studies.

If there are opportunities for cleaning up or any corrective activities, I want those identified very soon so we can develop our plan accordingly.

As of now I don't have an overall schedule for it, but a plan of how we are going to approach this from an action program should be laid out the last quarter of this year.

Senator LAUTENBERG. Doctor Porter?

Mr. PORTER. Mr. Chairman, can I just comment real briefly on that? I think again that one of the advantages of the inter-agency agreement process which we will get right into—this looks like it is going to get on the NPL—is that we can, sitting down with Army and the state, decide if there are interim actions that need to be worked into that agreement in terms of scheduling.

We don't have to wait, for example, for full RFS and so forth.

Senator LAUTENBERG. What happens to the state's authority on RCRA if it is listed on NPL?

Mr. PORTER. Well, we want to get them in that process so that they can bring their authority to the table. We want them to bring their concerns to the table and work with us.

Senator LAUTENBERG. It doesn't lock them out in any way?

Mr. PORTER. It certainly shouldn't, and we're certainly not going to force them to sign it.

Senator LAUTENBERG. Let me recognize Senator Warner.

Senator WARNER. Mr. Chairman, I apologize for my absence. We're trying to get up the DOD appropriations bill and resolve some of the problems.

Senator LAUTENBERG. Include plenty of money for environmental cleanup in that, Senator Warner.

Senator WARNER. I hear you. I share those views, and I appreciate the courtesies and again commend you for this hearing.

I address this to Mr. Parker or Ms. Stehle. The Phase III report identified some evidence of migration of toxic contaminants into local surface waters that exceed Federal and State levels, leaking underground storage tanks, and deficiencies in hazardous waste storage and handling at the naval station in the Yorktown area. Further, the report found that Sewel's Point Navy Complex in the Norfolk Naval Shipyard represents a "significant adverse impact potential" on the Chesapeake Bay because of preliminary evidence of migration of toxic contaminants and pollution from ship maintenance activities and the existent leaking underground storage tanks.

What has been done at these facilities to ensure that if a significant threat to the public health is present these sites will be given a high priority cleanup?

Mr. PARKER. Senator, first of all I'd like to state on behalf of DOD our concern about the cleanup of the Chesapeake Bay and point to a number of accomplishments that we have to date.

As far as these particular issues go, Nancy Stehle is ready to comment on them.

Senator WARNER. Thank you.

Ms. STEHLE. As far as prioritizing these, Senator, we always want to do any corrective actions that are required for imminent threat to human health or the environment, so certainly any of those which appear to be impacting on the environment or pose such a threat to human health would be corrected.

We have been working very closely with the State of Virginia on all of these areas that you are talking about. Many of them were reviewed in a study that DOD sponsored conducted by TetraTech, and they did, indeed, indicate that there were a number of locations where there was a potential for contamination of the environment, and in particular those areas that you mentioned—Elizabeth River and some of the other areas in the immediate Norfolk area.

We are working with the State, and we are doing studies and monitoring to locate those areas where there is potential contamination of both the groundwater and surface water. In those cases such as Craney Island where we had a leaking fuel tank we have taken intermediate actions to prevent the fuel from getting into the river while we are putting in permanent remedial action.

Senator WARNER. What has been done to ensure that the contamination on site is being contained within the base boundaries?

Ms. STEHLE. Do you have a particular site, or just in general?

Senator WARNER. Those are the ones down in the Hampton Roads/Yorktown area.

Ms. STEHLE. I see. We have done studies to determine what is the extent of the contamination, and, again, in conjunction with the State, we have determined those are not getting off the base. We are taking remedial actions to ensure that any areas that could

conceivably be a problem—for example, another place is at Quantico. We had a small PCB spill that we identified and we cleaned that up immediately because it was very close to the Potomac River.

Senator WARNER. Another question to Mr. Parker or Doctor Porter. I understand that the department's environmental restoration program is to address the worst problems first, such as cleaning up those sites which contaminate drinking water supplies. Beyond this first priority, how will the department determine the priority for cleanup of sites contaminating surface and groundwater supplies that do not serve as drinking sources?

Mr. PARKER. Senator, we have developed a model for evaluating the priorities for the use of our money which takes into account a number of the constituents that you have just addressed.

This model rates the particular types of pollution problems and comes up with a scoring. By that, we then can proceed with the funding on a worst first basis.

Now, as far as the operation of that model, if you are interested in it I think Mr. Vest from the Air Force is ready to address that.

Mr. VEST. Just one quick point, Senator. The model that the Department of Defense is developing and will be using treats groundwater and surface water at the same value. And what we're talking about is that the water is a path to the ultimate receive—in most cases it would be the human being. So it gets equal weight. So there is no penalty one way or the other.

Senator WARNER. What recognition is given to hazardous sites that have a close proximity to the Chesapeake Bay, such as the Naval Weapons Station at Dahlgren?

Ms. STEHLE. Senator, I am not familiar with specific sites at Dahlgren. However, again the situation is that we are working closely with the State, and we have identified those sites which have potential problems, and we are ensuring that, indeed, there is no contamination flowing off-base or into the Chesapeake Bay area.

Just recently we had a meeting with Region III to talk about all of the items within the TetraTech study that the EPA had proposed for putting in the A-106, and we have agreed with EPA on those. There are approximately 90 issues, and of those about 30 are going to be taken care of or are being taken care of right now or will be taken care of this fiscal year. Thirty of them are being taken care of by the installations and do not need additional funding, and 30 of them will be accomplished in fiscal year 1989.

Senator WARNER. Let's address the Army and the Navy. As an active participant in the Bay restoration program, I want to applaud the Navy for recently appointing Rear Adm. Pappas to coordinate the Chesapeake Bay activities at the installations within this basin. I would hope the Army's approximately 22 installations potentially impacting the Chesapeake Bay would follow the Navy's lead and make a similar appointment to ensure effective coordination programs.

Can you advise me with respect to what parallel activities the Department of the Army may be taking?

Mr. WALKER. Yes, Senator. The designation just came to our attention. We have our Assistant Chief of Engineers, Maj. Gen. Offringa, who is on the Army staff and who has always been nomi-

nally the head of the Chesapeake Bay effort, but we will be making that a formal designation to make sure that there is a clear point of contact to respond to the need.

Senator WARNER. I spent about five and a half years in that building, and nominal is not a good word.

Mr. WALKER. I look to him when Chesapeake Bay comes up, and he has effective control of it.

Senator WARNER. You're looking at an old-timer who has fought in the battle zone over there. You have got a parallel with the Army. If you want an Army/Navy game this fall you'd better have one equally as powerful.

Mr. WALKER. We will have a name very soon, Senator.

Senator WARNER. Talk to my old friend and classmate the Secretary about that. Give him my best regards and tell him I'll be inquiring next time we meet about his action on it.

We have one final question, Mr. Chairman, for Doctor Porter.

It is my understanding that DOD's installation and restoration program is modelled after the process that EPA uses to carry out cleanup activities at superfund sites. Have you been able to compare the environmental cleanup requirements of the private sector with the environmental cleanup requirements of the defense installations?

Mr. PORTER. Senator, the requirements in what sense? In terms of progress they have made and things like that?

Senator WARNER. Yes. Is the cleanup as effective?

Mr. PORTER. Well, we haven't seen a lot of cleanup so far. I think that we are, in most cases—on both sides—in the study phase. We, for example, have got 100 construction projects going on now on the private side and are finishing a number of sites. It is hard for me to generalize.

I have seen some good work at military and other facilities. I think people are beginning to move up in these things. But I think in terms of whether you can have enough data yet to say they've cleaned up enough sites to compare with enough private sites, I think the jury is still out on that.

Senator WARNER. You know, you might have a civilian site right parallel with a military site. Are the requirements for the military going to be as stringent as the requirements for civilians?

Mr. PORTER. Yes, sir.

Senator WARNER. The answer is yes?

Mr. PORTER. The answer is yes.

Mr. PARKER. Senator, if we can——

Senator WARNER. Go ahead.

Mr. PARKER. We have a couple of remarks.

Mr. VEST. A couple of points relative to that question, Senator. One is that we feel compelled to take every opportunity to make sure that everyone understands that the Department of Defense was engaged in this type of effort before most of the civilian sector. The installation restoration program actually had its beginning in the late 1970's.

It has been very difficult for us in Defense to evolve and adjust our program as the civilian sector has evolved and as we have seen the new laws come on.

So what I wanted to convey to you is that it has posed a challenge for us, and, indeed, we have had to adjust our program.

A year and a half ago, for the Air Force program I made a conscious decision to begin to shift monies in fiscal year 1987 from some cleanups that could be done—not big cleanups, but easy ones that could have been done—to make a very substantial investment in fiscal year 1987 in RI/Fs work, which we used to call Phase II under the IRP.

The reason that I did that was to begin to get ahead or try to get all the study work done so that we could begin that process of evolving into a different kind of a program.

I don't offer that as an excuse for additional time, but what I am saying is that it has been difficult. It is a very big challenge for us, and as rules change and new combinations of laws come on board, as we try to get through that very perilous path of whether it is CERCLA or RCRA, if the State is supreme, is the EPA supreme. It is a tremendous challenge for us.

Thank you.

Senator WARNER. Thank you.

Yes, Mr. Parker?

Mr. PARKER. One other point, Senator. We are making, I believe, good progress. For instance, I am working toward a goal of completing all of our RI/Fs work by 1994. I am very optimistic that we are going to meet that goal.

Now, as you know, we have a number of problems. We have 5,200 sites approximately that we are dealing with. As Mr. Vest said, we have a very complex problem here because of our size and number of sites that we have to work on, and we are working very diligently to move ahead.

Senator LAUTENBERG. Would you repeat that? Was that a 1994 commitment?

Mr. PARKER. Yes, 1994.

Senator LAUTENBERG. Thank you.

Mr. PARKER. I expect the Services to be underway on all of their RI/Fs work.

Senator LAUTENBERG. You're saying no completed cleanups?

Mr. PARKER. Well, Senator, when it comes to completed cleanups you have to understand that with those 5,200 sites we have cases where there are a few barrels on the back 40, as against the Rocky Mountain Arsenal that we have talked about.

With the complexities of what we have here, we are talking about completion—how clean is clean, if you will?—where we have to look at long-term monitoring, possibly, O&M at the sites for a number of years. It is very difficult to say when the cleanup will actually be completed.

Senator LAUTENBERG. Okay. But then, once again, restate the 1994 target.

Mr. PARKER. I am working toward a goal to be underway on all of our RI/Fs work by 1994.

Senator LAUTENBERG. So that's the investigations, the remedial investigations, feasibility studies, and that's six years from now.

Senator WARNER. I'm not sure I have it clearly in my mind. I understand the studies will be underway, but in terms of really putting the shovel to the problem it won't start until 1994?

Mr. PARKER. No, that's not true, Senator. We are already working on the worst sites now on some of the interim cleanups.

Mr. VEST. If I may just put some substance with that, and I'll just cite you an Air Force statistic or two—and I'm doing this by installation, not site. As of right now, 132 of our installations have RI/Fs work underway. We can point to 50 of those installations that there has been some removal actions or remedial actions. So part of the point is that there is PASI going on at installations, there is RI/Fs, there is a lot of work going on out there.

There has been a substantial amount of cleanup already done.

Mr. PARKER. And anywhere where there has been an imminent threat to health or the environment we have moved ahead. So we are doing things as far as cleanup goes now.

Senator WARNER. Thank you very much, Mr. Chairman.

Senator LAUTENBERG. Thank you, Senator Warner, for your participation. It is always welcome, it is always thoughtful, and it is always helpful in terms of accomplishing our mission.

Win, can you give me EPA's projections for completing the IAG's at all the currently proposed or final NPL sites and break that down by the two agencies that we are here with today?

Mr. PORTER. Mr. Chairman, I may have to do some of this for the record because I want to be sure to get my records straight, but in round numbers we have about 62 sites which are either proposed or final on the NPL with more coming up this fall.

We expect to do something like 45 or 50 by the end of next year. We expect to do 12 or 15 this fall. And I don't know that I have right in front of me the breakdown between DOE and DOD, but we can certainly supply that.

[The information requested follows:]

Answers to Senator Lautenberg's questions from August 4, 1988 Hearing

(1) QUESTION When can you give me EPA's projections for completing the IAG's at all the currently proposed or final NPL sites [break that down by the two Agencies that we are here with today]?

ANSWER Federal Facility IAG Negotiation Schedule

I) Agreements scheduled to be negotiated in FY88

Letterkenny Army Depot (one agreement for two NPL sites)

Louisiana Army Ammunition Plant

Tinker Air Force Base

Sharpe Army Depot

Lawrence Livermore National Laboratory - (DOE)

Hanford Reservation - (DOE) (one agreement for four NPL sites)

II) Agreements scheduled to be negotiated in FY89

Brunswick Naval Air Station

Griffiss Air Force Base

Naval Air Engineering Center, Lakehurst

Naval Weapons Station, Earle

Defense General Supply Center, Richmond

Dover Air Force Base

Naval Air Development Center

Anniston Army Depot

Aberdeen Proving Ground, Edgewood Landfill

Robins Air Force Base

Milan Army Ammunition Plant

Camp Lejuene Marine Corps Base

Joliet Army Ammunition Plant

Wright-Patterson Air Force Base

Weldon Springs - (DOE)

Lake City Army Ammunition Plant

Cornhusker Army Ammunition Plant

Hill Air Force Base

Ogden Defense Depot

Tooele Army Depot

Norton Air Force Base

Mather Air Force Base

McClellan Air Force Base

Castle Air Force Base

Moffett Naval Air Station

Sacramento Army Depot

Umatilla Army Depot

Fort Lewis

McChord Air Force Base

Bangor Ordnance Disposal

Naval Air Station,Whidby (two sites)

Naval Undersea Warfare Station, Keyport

Senator LAUTENBERG. So you're saying that you will have completed the inter-agency agreements on the 60-some plus 40-some just in round numbers?

Mr. PORTER. Yes. And, of course, the caveat of that is with State participation. In other words, I can't control the states and I'm hoping they'll work with us to meet those deadlines.

Senator LAUTENBERG. Do either Mr. Baynard or Mr. Parker have within your department anything that relates to this number—roughly 100 or something like that?

Mr. BAYNARD. Mr. Chairman, I believe the Department of Energy right now has five sites on the NPL—Lawrence Livermore, Weldon Springs, Monticello, W.R. Grace or Wayne, and then Maywood.

My understanding is that we hope to have agreements, in place in the next couple of months, with Lawrence Livermore and the State and EPA, and hopefully Monticello. And we're taking a look at Weldon Spring. There is an old agreement there in place, and we need to take a look and see whether or not we need to have a new agreement, but we are taking a look at that.

If we did have a new agreement that would hopefully be among EPA, the Department, and the State of Missouri.

At the Wayne site and the Maywood site, in Maywood we're talking with the State in region II. In Wayne I understand that clean-up is virtually complete. However, both of those sites, which, as you know, Mr. Chairman, are in New Jersey, are right now being used as interim storage pending designation of the New Jersey site.

In addition to those sites we have a couple or more that probably are going to end up on the NPL. Hanford is a place where we're going to have to do our best to try to work out an agreement very soon with, again, hopefully the State and EPA. With our model provisions now out we are hopeful that that can proceed apace.

Rocky Flats will probably appear on the NPL I would guess, and there is already a Federal Facility Agreement there.

So we are encouraged, Mr. Chairman.

Senator LAUTENBERG. Mr. Parker, do you have any comments you want to make about that because we're dealing a little bit with an amorphous condition. We're not sure how many sites, but obviously your team gets the largest number.

Mr. PARKER. Senator, our statistics show that we have 29 sites presently on the NPL. There are another 23 proposed now which will bring us up to 52. There were several others mentioned this morning by Doctor Porter, and I'm not aware of those figures at this time.

Senator LAUTENBERG. Okay.

Mr. PORTER. Mr. Lautenberg, I might just read into the record real quick because we have put together the numbers here now. Of the 46 we plan to get done in terms of IAG's by the end of fiscal year 1989, according to our records——

Senator LAUTENBERG. Fiscal year 1989?

Mr. PORTER. Fiscal year 1989. Right. Seven are DOE, 36 are DOD, and 2 are other agencies. I think one was DOI.

Mr. VEST. Mr. Chairman, the Air Force currently has ten on the list and four proposed. We believe within the Air Force that if the regions are able to make a commitment on the negotiation of those

14 agreements and we can get the states involved that, indeed, they are doable this year. But I would also hasten to add that it takes three parties to have a three-party agreement.

We'd be happy also to submit for the record, if you would like, a little bit of history on the negotiations to date on those because it is difficult. I would, in defense of my colleagues at the Environmental Protection Agency and the states, the burden and demand on them for working many, many, many places is getting fairly substantial.

Senator LAUTENBERG. Well, I'm sure they welcome any defense they get, even if it takes the Air Force. Now that's interesting.

I can see the headline now: "Air Force called out to defend EPA, low level flights, etc." But in any event, there is a lot to do.

My view is that if each of the agencies gets their share of the job done then it is easier to point a finger to where the problem is and to get on with it.

On the preliminary assessments, Doctor Porter, Mr. Parker, and Mr. Baynard, we had an April 17 deadline for submitting preliminary assessments and that hasn't been met. Tell me why and when will DOD and DOE have those assessments submitted?

Mr. BAYNARD. Mr. Chairman, I think that we have all our assessments in. We were a week or two late on several of them, but we had all of them in within a week or two of the 18-month deadline, I believe.

Senator LAUTENBERG. Does that square with your information at the EPA?

Mr. PORTER. Yes. Our records showed the Air Force and Navy got all of theirs in. What was the deal on him, Chris? DOE is all in. I think that there are a few that Army hasn't got in. But we had pretty substantial compliance with that. It was a very high percent compliance across the board.

Mr. PARKER. Senator, if we can I'd like Mr. Walker to address the problem that he had in getting all of these in on schedule.

Mr. WALKER. Well, I thought we were very close to having them all in, and I will have to get with EPA to understand which ones are not meeting the schedule.

There had to be a lot of revision to get them into the format, and I think that was one of the issues. But we should have the rest of them to EPA very soon.

Senator LAUTENBERG. I would hope so because this is now substantially past the time when these things were due, and we have to get on with this.

Can you give me an aggregate for all the DOD, DOE proposed final NPL sites of the following information when the RIF's, designs, clean-ups will have begun now? We heard Mr. Parker's assessment before. Do we have any projection from Mr. Porter for these activities, or at least over the next couple of years?

Mr. PORTER. Mr. Chairman, the IAG is the first step, and as the gentleman from the DOD indicated, there has been a lot of removal and other activity ongoing while they do these other activities.

We'd have to get that for the record for you. I don't have it right at my fingertips.

[The information requested follows:]

(2a) QUESTION Can you give me an aggragate for all the DOD, DOE proposed final NPL Sites of the following information when the RIfs, designs, clean-ups will have begun now?

(2b) QUESTION Does EPA have any projection for these activities, or at least over the next couple of years?

ANSWER

I) FY89 RI/FS STARTS

Naval Weapons Station, Earle

Dover Air Force Base

Aberdeen- Edgewood Landfill

Camp Lejuene

Wright-Patterson Air Force Base

Weldon Springs Quarry- (DOE)

Cornhusker Army Ammunition Plant

Tooele Army Depot

Mather Air Force Base

McClellan Air Force Base

Castle Air Force Base

Sharpe Ammunition Depot

Lawrence Livermore National Laboratory -(DOE)

Fort Lewis

Bangor Ordnance Depot

Fairchild Air Force Base

Hanford Reservation- (DOE)- four sites

II) FY89 Remedial Design Starts

Fort Dix

Naval AIr Engineering Center, Lakehurst

Sangamo-Crab Orchard -(DOI)

Tinker Air Force Base

Lone Star Army Ammunition Plant

Sacramento Army Depot

Fort Lewis

III) FY89 Remedial Action Starts

Fort Dix

IV) Federal Facilities at which RI/FS activity is underway pursuant to an existing IAG or similar agreement

Fort Dix - Pre-SARA (1985) Administrative Order covering RI/FS is in place. The State has the lead at this site. Remedial action scheduled to begin in FY89.

Twin Cities Army Ammunition Plant- §120 IAG signed in 1987. RI/FS is underway.

Sangamo-Crab Orchard Lake- Pre-Sara (1986) Memorandum of Understanding (MOU) between EPA and DOI is in place. RI/FS is underway. Remedial design is scheduled for FY89.

Rocky Mountain Arsenal- Proposed consent decree has been filed with the court. RI/FS work for various operable units is underway.

Rocky Flats Plant- Compliance Agreement signed by DOE, EPA and the State in 1986. RI/FS work for various operable units is underway.

Mr. PORTER. But what I'm stressing, again, is to get the IAG's done so that we can move on with it.

Senator LAUTENBERG. Do you have a comment, Mr. Baynard, as to when your RIFS, and other activities might get done for sites that you have presently listed?

Mr. BAYNARD. I think that it's going to—of course, under section 120 it lays out a starting time and then says a schedule has to be developed later on a site-specific basis. I think for most of these sites, because it depends upon the nature of the contaminant and the characterization work that is being done, the schedule is still being worked out, Mr. Chairman.

Senator LAUTENBERG. If you can in each of the departments get me whatever information you can. We'd like to get a little more detail.

[Information requested follows:]

Committee on Environment and
Public Works
Subcommittee on Superfund and
Environmental Oversight
Date: August 4, 1988
Witness: Ernest C. Baynard, III

INSERT FOR THE RECORD

There are currently five Department of Energy (DOE) sites listed as final sites on the National Priorities List (NPL). These five include the Lawrence Livermore National Laboratory, the Weldon Spring Site, the Monticello Vicinity Properties, the Maywood Interim Storage Site, and the W. R. Grace and Company Site. There are also five proposed DOE sites on the NPL. These include the Rocky Flats Plant and four areas at the Hanford facility.

The following information is currently available for remedial investigation/feasibility studies (RI/FS) for each of these sites. This information is subject to change based on negotiations to be conducted with EPA and the involved states. Schedules for remedial design and remedial actions will be negotiated following completion of the RI/FS.

Lawrence Livermore National Laboratory: The RI/FS began in August 1987 and is estimated for completion in August 1990.

Weldon Spring Site: The RI/FS began in October 1986 and is estimated for completion in April 1991.

Monticello Vicinity Properties: Characterization of these sites began under DOE's Surplus Facilities Program in July 1984. Characterization and evaluation of cleanup alternatives was completed in May 1988. EPA is currently reviewing this work to determine equivalency with RI/FS requirements. Cleanup of the Vicinity Properties began in September 1984 and is ongoing. In current interagency agreement (IAG) negotiations between EPA and DOE, additional sites are being considered for inclusion as Vicinity Properties.

Maywood Interim Storage Site: The RI/FS began in October 1987 and is estimated to be completed in September 1992.

W. R. Grace and Company Site: The RI/FS began in October 1987 and is estimated to be completed in September 1992.

Rocky Flats Plant: For the Rocky Flats Plant, the waste sites have been divided into three groups of high priority, medium priority, and low priority sites. The RI/FSs for the high priority sites started in July 1986 and are estimated for completion in December 1988. For the medium priority sites, the RI/FSs started in August 1987 and are scheduled for completion in September 1989. For the low priority sites, a RI/FS workplan has been submitted to EPA and the State and schedules for the RI/FSs will be negotiated.

Hanford Sites: Estimated start dates for the four areas of the Hanford site are: 100 Area - July 1989; 1100 Area - February 1989; 200 Area - May 1989; and 300 Area - May 1989.

Senator LAUTENBERG. We have a vote and you have been kind of saved by the bell, as they say. I would ask one last question, and any others will be submitted to you in writing.

I'd be interested in your views—if we can do it in short form—how we can improve the management at DOD and DOE on these environmental programs. Is there a kind of synoptic thing that you can give us that says that this is where we ought to go for our respective departments? Mr. Parker?

Mr. PARKER. Senator, I'd like to make three points on this. The first: I believe that we can do more ourselves. I think that communications is a theme that has come out of here today that overrides everything else. Most of what I have heard since coming on board with DOD could be addressed with better communications. We have got to try harder in that area. We have got to move faster and quicker.

As far as EPA goes, I'd like to give you a pledge that I will personally get together with Doctor Porter soon because I have several things that I think we can work on together to make our interagency actions better.

I also think that there are things that you in the Congress can do to help us. First of all, I'd ask that you hold off on too much new legislation and give us time—as I said in both my written and my verbal testimony—to get caught up with all the rules and regulations that are being promulgated now. We are micro-managing all of us from a policy level, and that is very, very difficult.

Second, is our need for resources. Obviously we come up each year asking for funds, and each year those are increasing. We need your help on that. We also need those funds without a lot of earmarking. We have to stick to our policy of worst first.

Along the lines of resources, however, I also want to point out that we have people resources, and not only within DOD, but within the industry as a whole. I think oft-times we ignore, in doing a need survey, of what our industry—and as an environmental engineer I say inclusively "our" industry—can actually provide for resources in order to do the clean-ups as quickly and as effectively as we want to. Furthermore, we have to encourage collaboration instead of combativeness. It is the only way that these programs will work.

Also, we'd like to see that where we're doing well is recognized.

And, finally, we may come back to you asking for some fixes on SARA/CERCLA, and RCRA in the future if we find that some of these burdens are still too onerous for us to be able to move the projects ahead as quickly as we'd all like to see.

Senator LAUTENBERG. Thanks. Do you have a comment?

Mr. BAYNARD. Just briefly, Mr. Chairman.

We need to and are taking a look at where our biggest environmental and health problems are. We need to get our arms around that, and we are doing that.

Secondly, we need to find out what order of magnitude in terms of money we are talking about to cure these problems. We are working on that, as well.

And third, we need to get together with EPA and the states to try to work these things out as best we can, and I think we're making progress there, too.

Senator LAUTENBERG. Win.

Mr. PORTER. Mr. Chairman, just a couple of quick ones.

One thing I guess I would summarize by saying management attention. What we need in all these programs is a lot of senior management attention.

I want to give one kudos, for example, to Assistant Secretary Shannon in Army who spent a lot of personal time on this. The reason we have the TCAP and these other things is because of Mr. Shannon's personal commitment.

I think Mr. Baynard has done a good job, and I think others have done a good job also.

I think in general DOE has given this a higher level in the organization. They are a different kind of organization, admittedly, but I have a lot of difficulty, as the gentlemen to my left know, and I think it is communications, as Mr. Parker indicated, but working something out with Army or Navy or Air Force and then folding in as opposed to having to do it three times. And I think we're making progress on that, but we've got a ways to go to be sure we don't just keep—I think we have done a fair amount of reinventing of the wheel. We could learn from each other, and we need to move from there.

The other thing, I think, is that we've all got to give a little. For example, right now we have got an issue coming up on reimbursement for the states for their oversight costs. We believe strongly that should be done, and I'm getting a little static——

Senator LAUTENBERG. How large might that cost be?

Mr. PORTER. The numbers are very small in the scheme of things. For TCAP, for example, it was $65,000 a year for the oversight costs for the State of Minnesota in that program. We have got some similar numbers—a little higher—at Rocky Mountain Arsenal. So that is the next issue that's going to be raised to me as a stumbling block.

We have just really got to work through those, and I would just encourage the gentlemen on both my left and right to work with me to work through those fairly small issues and get on with it, because every day I look up there is a new issue—perhaps on my side, too, but certainly on their side, also.

I am encouraged by their attitude. I think we've made a lot of progress, but we have got to really work hard, and we have got to have senior management attention.

As I said, Mr. Shannon is a good example of one that has really worked through these issues.

Senator LAUTENBERG. I thank each of you for being here. It is a difficult task because it is not considered in your respective agencies as the primary function of those departments.

On the other hand, it becomes the primary function when it threatens the health and well-being of the communities in which your facilities reside.

I would urge you to please not let any inter-agency disputes interrupt the process. Make sure the community is involved as much as possible and try to invite them in at an early enough stage and tell them you have nothing to hide and that you want their input.

I thank each of you for participating today.

We'll reserve the right to submit further questions to you. Thank you very much.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[Statements submitted for the record follow:]

National Governors' Association

John H. Sununu
Governor of New Hampshire
Chairman

Raymond C. Scheppach
Executive Director

TESTIMONY OF THOMAS P. LOOBY
ASSISTANT DIRECTOR

COLORADO DEPARTMENT OF HEALTH

BEFORE THE

SENATE SUBCOMMITTEE ON SUPERFUND AND
ENVIRONMENTAL OVERSIGHT

REGARDING

FEDERAL FACILITY COMPLIANCE WITH
ENVIRONMENTAL CLEANUP LAWS

AUGUST 4, 1988

WRITTEN TESTIMONY OF THOMAS P. LOOBY,
ASSISTANT DIRECTOR
COLORADO DEPARTMENT OF HEALTH
ON BEHALF OF THE NATIONAL GOVERNORS ASSOCIATION
BEFORE THE UNITED STATES SENATE
SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL OVERSIGHT

August 4, 1988

Mr. Chairman, my name is Thomas P. Looby. I am Assistant Director of the Colorado Department of Health and also serve as the Director of the Department's Office of Health and Environmental Protection. I appear before you today on behalf of Colorado and the National Governors' Association. I am grateful for the opportunity to testify about the issue of federal facility compliance with the Comprehensive Environmental Response, Compensation and Liability Act as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), the Resource Conservation and Recovery Act ("RCRA"), and state hazardous waste laws.

Federal facility compliance with hazardous waste laws is a pressing problem facing the states. Quite simply, many of the federal facilities have been among the nation's worst violators of RCRA and state hazardous waste laws. One reason is the vast number and frequently very large size of federal hazardous waste facilities. California alone, for example, has over 100 federal facilities that manage hazardous waste. Another reason, however, is that federal facilities often have simply failed to comply with the applicable laws. From the Alameda Naval Air Station and

the Mare Island Naval Shipyard in California to the Portsmouth Naval Shipyard in Maine, from the Hanford Nuclear Reservation in Washington and the Fernald facility in Ohio to the Rocky Mountain Arsenal in Colorado, the list of federal facilities where serious and reoccurring violations of RCRA and state hazardous waste laws have been detected goes on and on. Not only does this lack of federal compliance send the wrong signal to privately-owned facilities, but the citizens of this nation have a hard time accepting the fact that the federal government's noncompliance with hazardous waste laws presents such a major threat to their health, welfare, and environment.

Since 1984, when Colorado was authorized by the Environmental Protection Agency (EPA) to enforce its hazardous waste laws and regulations in lieu of federal RCRA requirements, the state has had to take enforcement actions against facilities of the Departments of Energy, Defense, Interior, and Transportation, and the U.S. Postal Service. Our worst contamination sites are the Rocky Mountain Arsenal, the Rocky Flats Nuclear Weapons Plant, the Pueblo Army Depot, the Transportation Test Center and the Air Force facilities at Martin Marietta. Although compliance at some facilities has improved, major Department of Defense and Department of Energy facilities still have serious compliance problems.

The problems that are seen at facilities in Colorado are

typical of those encountered at federal facilities throughout the country. Information we have received from EPA indicates that only 45 percent of federal facilities nationally are in compliance with RCRA. Areas of noncompliance include most portions of the regulations. Some of the more serious problems encountered include: treatment, storage, and disposal of hazardous waste without a permit at inadequate facilities which pose environmental and public health threats; inadequate ground water monitoring; poor training of personnel; and improper waste identification and analysis. Improper hazardous waste management has caused serious contamination of soils and ground water at many facilities.

We have also found difficulties with compliance with CERCLA. Where all or part of a federal facility is on the National Priorities List, inappropriate identification of applicable or relevant and appropriate requirements (ARARs), application of use restrictions and institutional controls in lieu of actual clean-up, and reliance on economic factors have all tended to reduce clean-up efforts and diverge from the intent of Congress.

In one scenario we have seen the federal agency, by determining in advance that it wishes to back off from permanent clean-ups and use institutional controls such as land use restrictions, artificially limits the scope of ARARs. State

regulations are not considered because they are said to be unnecessary. This approach is exacerbated by the federal agency's consideration of economics in choosing clean-up standards. While certainly a relevant consideration at certain stages in the process, the combination of inappropriate reliance on economic considerations and limited clean-up standards results in inadequate remedial actions.

Congress has created a strong system of hazardous waste laws, and has made clear in both CERCLA and RCRA that federal government facilities have to obey the law like everyone else. The record shows, however, that adjustments are needed either to the statutes, or to the way the law is applied by federal agencies, so that federal facilities can take their place at the forefront of the nations's clean-up effort, rather than dragging along behind.

Through CERCLA and RCRA, Congress has made every effort to hold federal facilities to the same strict level of responsibility for the clean-up of hazardous waste as private parties. For instance, CERCLA section 120(a)(1) provides that

> Each department, agency and instrumentality of the United States (including the executive, legislative and judicial branches of government) shall be subject to, and comply with, this chapter in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity....

RCRA section 6001 requires compliance by federal facilities with all federal, state, and local hazardous waste requirements. These provisions make clear that federal facilities are not to receive special treatment. They must obey the mandates of Congress just as private polluters must.

Through these statutes, the Congress has correctly required the federal government to take on the burden of complying with the rules it makes for others. In practice, however, many federal facilities are simply not complying with the laws. In our view the problem stems principally from ineffective application of the law by the executive branch of government.

EPA's role at federal facilities provides a good example. EPA has broad authority under CERCLA to issue administrative orders to protect public health and welfare and the environment from an actual or threatened release of a hazardous substance from any facility, including federal facilities. Likewise, RCRA grants EPA order authority, delegable to the states, over regulated facilities including federal facilities. Nonetheless, the Department of Justice has imposed upon EPA its view that the independent exercise of order authority directed toward a federal agency in most instances is impermissible and probably unconstitutional. EPA has acceded to this position and is attempting to utilize negotiated agreements with federal agencies instead of its enforcement authority. EPA has negotiated model Interagency

Agreements (IAGs) with the Department of Defense and the Department of Energy which largely favor the regulated departments, and which omit EPA's or the states' RCRA enforcement authority.

The executive branch has also taken positions which hinder state enforcement of state hazardous waste laws at federal facilities. For example, RCRA section 6001 waives the federal government's sovereign immunity with respect to enforcement of federal and state hazardous waste laws and regulations against federal agencies. CERCLA section 120(i) preserves the federal government's obligation to comply with RCRA, and state requirement applicable through RCRA, at CERCLA sites. Nonetheless, the Department of Justice has taken the position that the states may not enforce state regulations at a federal CERCLA site such as the Rocky Mountain Arsenal. Because of this position, the State of Washington has expressed serious reservations about including the Hanford facility on the National Priorities List. The Department of Justice has also taken the position that some of Colorado's hazardous waste regulations, which are virtually identical to EPA regulations, are not "requirements" for purposes of the RCRA section 6001 sovereign immunity waiver, so that compliance is not necessary.

The model IAG's mentioned earlier also administratively attempt to deprive the states of the role Congress provided for the states and their citizens, by usurping state enforcement

authority and by failing to provide for use of RCRA section 7002 citizen suits.

By taking positions which limit any enforcement role of the EPA or the states, we have left hazardous waste law compliance in the hands of the federal facilities themselves. The result has been exactly what can be expected when the fox is left to guard the chicken coop.

The Department of Defense and Department of Energy are not accustomed to the role of public health officer and environmental enforcer. Further, unlike EPA, they are not used to state delegated programs and have not developed meaningful mechanisms for dealing with state and community roles and concerns. They lack EPA's sophistication, expertise, perspective, and staff inclination toward clean-up of toxic substances. They are driven principally by their primary missions and are sometimes reluctant to divert resources from their defense and energy functions to state-of-the-art clean-up projects.

For example, CERCLA section 121(d) requires that hazardous waste sites must be cleaned up to a level which assures protection of human health and the environments. This section also requires design of remedial actions which meet or exceed the requirements of applicable or relevant and appropriate federal and state environmental laws. At the Rocky Mountain Arsenal site in my state, the Army seeks to apply these requirements only at

the boundaries of this 27 square mile facility, which lies directly in the path of Denver's growth toward its new airport.

Thirty thousand people depend upon the ground water downgradient from the Arsenal, and many more are anticipated to reside here as metropolitan development occurs. Rather than adequately cleaning up the facility, the Army proposes to apply permanent land use restrictions to protect public health. Rather than adequately cleaning the site up, they want simply to keep people out. Fencing off the Arsenal is, of course, cheaper than cleaning it up properly. This approach hardly comports with the intent of Congress, however. Moreover, EPA may find it difficult to enforce adequate clean-ups of private facilities if the federal government maintains at the Rocky Mountain Arsenal that compliance at the boundaries of a facility is all the law requires.

In the course of self-regulating, federal entities have given little attention to the CERCLA section 121(f) mandate that states have "substantial and meaningful involvement" in the initiation, development, and selection of remedial actions. Again, the Rocky Mountain Arsenal provides a good example. The Colorado Department of Health's comments on the Remedial Investigation/ Feasibility Study receive no serious attention at all. In many instances, contracts are let and tasks are well underway before our comments on "proposals" for those tasks are permitted.

Practice and experience show that strong independent super-

vision and enforcement is needed to bring about hazardous waste clean-up at federal facilities in line with those at private facilities. Experience shows that EPA's independence has been undercut by the Department of Justice which serves as the attorneys for both EPA and the federal agencies responsible for clean-up. The state's role has been undercut by the federal agencies' unwillingness to subject themselves to state requirements despite the mandate of Congress. This has left federal facilities to self-enforcement, which is inherently unworkable.

To get federal facility cleanups on the right track EPA's independence must be restored and state environmental health agencies further empowered to perform the participatory role provided them by Congress. This subcommittee might use its oversight authority to examine EPA's loss of its enforcement power over other federal entities. EPA must be able to use its full arsenal of enforcement powers, including orders and civil penalties, against federal facilities. Approaches to insulating EPA from being overruled by the Department of Justice and the Office of Management and Budget should be explored. The Special Environmental Counsel approach proposed in H.R. 3782 adopted by the House Subcommittee on Transportation, Tourism, and Hazardous Materials should be considered.

The authority of regulated entities to regulate themselves should be re-examined. CERCLA section 120(e), which allows fed-

eral departments to play the principal role in designing the clean-up actions for their own facilities, should be re-examined. The approach taken by H.R. 3781 creating the position of Assistant Secretary of Energy for Environment, Safety and Health, deserves a close look. Congressional oversight may be effective in moving the Departments of Energy and Defense away from some of their positions which obstruct state participation and limit the effectiveness of cleanup.

We believe that one of the best ways to assure expeditious and successful clean-ups is to make sure that aggressive state environmental enforcement efforts are not thwarted by federal agencies. The need for an effective role for state government is critical. Whatever steps are necessary to get federal agencies to recognize this role and comply with state environmental laws must be taken. Congress should make clear that federal facilities are subject to all aspects of RCRA and state hazardous waste laws, including substantive provisions, procedures, and all penalties, regardless of whether a CERCLA cleanup is in progress, and regardless of whether a site is on the National Priorities List. Differing opinions are being issued by federal courts regarding the application of civil penalties for federal facility violations. Congress might consider beefing up statutory language to make sure that penalties can be assessed. Such penalties provide essential incentives for cleanup and deterrence

for ongoing violations. Federal departments should be required to fully comply with the CERCLA requirement of substantial and meaningful state involvement. A means of allocating federal funds to state government for participation in clean-up investigation, design and oversight is also needed if the states are to be effective participants.

The states had no role in the development of EPA's model Interagency Agreements with the Departments of Defense and Energy. It is essential that we have a meaningful role in the development and implementation of site-specific agreements in our states. The agreement reached between EPA, the State of Colorado, and the Department of Energy at the Rocky Flats facility shows it is possible to establish appropriate roles.

These federal facilities are located literally in our back yards. The citizens of our states, many of whom have homes near these facilities, are extremely concerned for their health, safety, and environment. They want our assurances that these sites are cleaned up right, in accordance with the law. The laws passed by Congress on their face require full compliance by federal facilities with federal and state hazardous waste laws. CERCLA and RCRA are meant to give the states an active and meaningful role in hazardous waste cleanups at all sites, including federal facilities. We ask your assistance in assuring that these congressional mandates are given effect by the executive

agencies of our federal government. We recommend your serious consideration of the legislation recently approved by the House Subcommittee on Transportation, Tourism, and Hazardous Materials (H.R. 3781, H.R. 3782, H.R. 3783, H.R. 3784, H.R. 3785), which address many of the issues I have discussed.

Mr. Chairman, on behalf of the National Governors Association and myself, I thank you and the other members of the Subcommittee for taking the time to examine the troublesome issue of federal facilities compliance, and for affording us the opportunity to provide testimony.

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH
4210 East 11th Avenue
Denver, Colorado 80220
Phone (303) 320-8333

Roy Romer
Governor

Thomas M. Vernon, M.D.
Executive Director

August 11, 1988

The Honorable Frank R. Lautenberg
U. S. Senate
Committee on Environment and Public Works
Washington, D.C. 20510-6175

RE: Federal Facilities Compliance with RCRA/CERCLA

Dear Senator Lautenberg:

Thank you for the opportunity to testify before the Sub-committee on Superfund and Environmental Oversight on August 4, 1988 about concerns that states have regarding compliance of federal facilities with federal and state hazardous waste laws. We greatly appreciate your initiatives to examine and address shortcomings in federal agencies' efforts to cleanup and properly manage hazardous wastes under these laws.

I would like to add to our written testimony the five recommendations I briefly touched upon in my oral testimony. They are:

1. Congress needs to close the loopholes that result in self-regulation by the federal agency which is the source of contamination. In particular:

   a) We need to make it clearer that all DOE mixed wastes are covered under RCRA and state hazardous waste laws.

   b) That solely radioactive wastes are brought under the control of NRC, EPA or a delegated state program.

   c) That liquid radioactive wastes are made fully subject to the Clean Water Act and state water quality laws.

2. Restore independent oversight and enforcement authority of the EPA and state environmental health agencies. In particular:

   a) Insulate EPA from DOJ in the exercise of its enforcement authority.

   b) Clarify that the states are empowered to fully enforce our state's environmental laws. Don't let the DOJ and non-complying federal entities thwart aggressive state environmental enforcement efforts. This must include both our ability to issue orders and assess penalties. The civil penalties provisions create strong incentives for cleanup and are a substantial deterrant to ongoing violations. Without them, we are at the whim of the federal agency causing the pollution.

3. Create better mechanisms to ensure active state participation in federal facility agreements nationally and on each site so that we can hopefully avoid the need for enforcement and litigation to get progressive action.

4. Provide states with adequate resources from the federal agencies to oversee and participate in efforts.

5. Give active Senate consideration to the five RCRA House Bills plus consider incorporating measures to address the concerns that we have raised during our testimony.

There are also two issues which were discussed during testimony of the second panel of federal witnesses which I want to highlight for your attention. First, despite statements to the contrary, federal agencies are preempting substantive state standards. Second, I would urge you to carefully scrutinize whether you really want to support addition of the Picatany Arsenal to the National Priorities List as you suggested at the hearing. I will elaborate briefly here and you can review our written testimony and several attachments hereto further for more details.

Regarding state standards, the Army and Justice Department have notified the state of Colorado that they do not consider our promulgated RCRA siting standards under the Colorado Hazardous Waste Management Act as applicable or relevant and appropriate requirements (ARAR's) despite our strong insistence that they must be met. EPA is trying to cajole the other agencies into agreeing to meet the standards with little success. This is a clear example of the Army and Justice Department ignoring Section 121 of SARA passed by Congress in 1986. We believe that the process that Congress developed in the 1986 SARA law contemplated that waivers of selected state standards would occur after remedial options had been developed and analyzed but before the final record of decision. Limited criteria were provided for the Administrator to exercise these waivers. By predetermining selected state standards which they claim they do not have to meet the Army and DOJ seriously skew the remedial selection process.

Colorado has had a significant change of heart regarding the advisability of listing of federal facilities on the NPL. We strongly encourage you to consider the implications carefully regarding the Picatany Arsenal in New Jersey for the following reasons:

A recent DOJ brief on behalf of the U.S. at the Rocky Mountain Arsenal site in Colorado indicate their clear intent that once on the NPL, the site remedial decisions and clean up standards are controlled exclusively by the federal government under CERCLA. This interpretation ignores section 120)i of SARA which indicates that RCRA should fully apply at federal facilities. The attached correspondence from Representative John Dingell confirms this interpretation of SARA yet the federal agencies continue to ignore this requirement at the Rocky Mountain Arsenal.

This has created concerns in other states as well, as is evidenced by the attached letter from the Washington congressional delegation. Under current DOJ interpretations, if states lose their authority to assert RCRA, they will not be able to assure their citizens that substantive state standards will be met, that there is any meaningful state and local participation in remedy selection and that there are enforcement incentives by independent agencies to assure compliance.

If the DOJ interpretations on these matters were to change or if Congress further clarifies the applicability of state laws, then our view on NPL listing may change. Until that happens however, we encourage you to be cautious.

As I testified in the hearing, the places where the most progress is being made in cleaning up contaminated federal facilities is where states have strongly asserted our enforcement authorities and the federal agencies have accepted those authorities. This is true at both the Rocky Flats Plant in Colorado and TCAAP in Minnesota. The best way to assure compliance with hazardous waste laws and cleanup of past contamination is to make sure that federal facilities are held to the same standards as private sites provide for independent oversight by EPA and/or the state, and assure that the same enforcement penalties are applied at federal sites as are imposed upon industry.

We hope we have your continued support of our efforts to assure that a satisfactory job is done of cleaning up federal facilities in Colorado and the nation.

Sincerely,

Tom Looby

Thomas P. Looby
Assistant Director for Health
and Environmental Protection
Colorado Department of Health

TPL/lg

cc: Governor Romer
Attorney General Woodard
Dr. Vernon
Adams County Commissioners
Jim Scherer

Attachments

0013k/2

U.S. House of Representatives
Subcommittee on Oversight and Investigations
of the
Committee on Energy and Commerce
Washington, DC 20515

June 22, 1988

The Honorable Lee M. Thomas
Administrator
U. S. Environmental Protection Agency
401 M Street, S. W.
Washington, D. C. 20460

Dear Mr. Thomas:

The Environmental Protection Agency is proposing to list in update #7 approximately 14 additional Federal facilities on the Superfund National Priorities List. The evaluation and listing of Federal facilities with serious environmental contamination is quite proper and in accord with Section 120(d) of the Superfund Amendments and Reauthorization Act of 1986 (SARA). However, the proposed listing of such facilities, including the Department of Energy facility at Hanford, Washington, has unfortunately become intertwined with a jurisdictional issue involving the applicability of RCRA corrective action authorities at such facilities.

It is unfortunate because it threatens to undermine the State-Federal partnership vital to effective and expeditious cleanup of these facilities. It is also unfortunate because the controversy has arisen from a Justice Department brief filed in December 1987 on behalf of the Department of Defense at Rocky Mountain Arsenal, Colorado, which erroneously construed the 1986 Superfund Amendments and contradicted the EPA's corrective action policy. EPA policy, as set forth in the October 1986 National RCRA Corrective Action Strategy states:

> Corrective action requirements apply to these facilities regardless of whether they are continuing waste management operations or closing these operations. Moreover, these requirements apply regardless of whether a facility or part of it is subject to an action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA or Superfund).

Before discussing the legislative history of SARA, and particularly Section 120(i), let me relate our understanding of the circumstances surrounding the filing of the Justice Department brief. Essentially, the Justice Department has asserted that CERCLA limits the waiver of sovereign immunity in Section 6001 of RCRA so as to preclude the use by EPA or a state of RCRA corrective action authorities at a federal facility where a CERCLA cleanup is "slated" or "ongoing." The Justice argument appears to be that, notwithstanding Section 120(i), SARA operates as an implied repeal of RCRA jurisdiction at Federal facilities once a CERCLA cleanup is either "slated" or "ongoing." The terms "slated" and "ongoing" were not explained or defined.

EPA officials were not consulted or involved in constructing the initial draft of the brief and were provided less than 72 hours to review it. At the initial meeting with DOJ on or about December 15, 1987, EPA officials expressed their disagreement with the Justice Department's interpretation of Section 120(i) and indicated that a different interpretation could certainly be supported by the statute and legislative history. EPA officials further requested that the preemption argument be deleted since it presented EPA with difficult policy issues which they needed time to resolve. EPA also suggested numerous changes to clearly limit the Justice Department brief to the specific fact pattern at Rocky Mountain Arsenal. However, the Justice Department rejected all EPA requests or suggested language changes other than adding a footnote stating that "in other circumstances, the United States would not necessarily urge the same result."

Section 120(i) provides that "nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any requirement of the Solid Waste Disposal Act (including corrective action requirements)". This provision, which originated in the Energy and Commerce Committee, was specifically placed in the statute to clarify that RCRA corrective action authorities were applicable at Federal facilities, including those waste areas placed on the National Priorities List. Explications of legislative intent can be found in the SARA Conference report and in House and Senate floor debate. (See Congressional Record of October 8, 1986 (H9563, H9576, H9581, H95877, H9610, H9588) October 3, 1986 (S14928).

Currently, the Environmental Protection Agency is using RCRA 3004(u) corrective action authority to expedite cleanups at the Savannah River and Oak Ridge facilities of the Department of Energy. EPA also considers both RCRA and CERCLA authorities applicable at private facilities which qualify for the NPL.

Inconsistencies which may potentially arise from two applicable statutory authorities should be resolved by implementation actions and not by jurisdictional one upsmanship.

The slow pace of Federal facility cleanups will only worsen if legal challenges on jurisdictional issues replace efforts to gain three party agreements governing site remediation.

The Justice Department brief has already had a detrimental impact on the ultimate goal of obtaining such agreements between the EPA, the States, and the Federal agencies. To our knowledge, none have been reached a Federal facility in the past six months. States are concerned about the proposed and final listings of Federal facility sites on the NPL because of the potential jurisdictional implications of the Justice Department arguments.

I strongly urge you to address this issue and clearly state the Environmental Protection Agency's policy in advance of or contemporaneous with any further NPL updates proposing or finalizing Federal facilities.

Please provide the Subcommittee with a status report on this matter including the legal implications of proposing a Federal facility for the NPL in light of the Justice Department brief, no later than close of business, Wednesday, July 6, 1988.

Sincerely,

John D. Dingell
Chairman
Subcommittee on
Oversight and Investigations

JDD:RAFdes

file
Federal Facilities

Congress of the United States

Washington, DC 20515

April 14, 1988

Hon. Lee M. Thomas
Administrator
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

Dear Mr. Administrator,

It has recently come to our attention that the U.S. Department of Justice (DOJ) has adopted a new interpretation of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which creates substantial confusion about the ability of both the U.S. Environmental Protection Agency (EPA) and the State of Washington to enforce environmental statutes, including the Resource Conservation and Recovery Act (RCRA), at federal facilities. We are particularly concerned about the effect of the new DOJ position on ongoing efforts to manage active hazardous waste sites at the U.S. Department of Energy's Hanford Reservation in Washington State, while also cleaning up inactive sites.

Specifically, on December 17, 1987, DOJ filed a brief in State of Colorado vs. Department of the Army in which it argued that CERCLA limits the waiver of sovereign immunity in section 6001 of RCRA so as to preclude RCRA enforcement action by the state against a federal facility where a CERCLA cleanup action is ongoing at the same facility. The DOJ brief even goes so far as to suggest that simply proposing a federal facility for listing on the National Priority List (NPL) effectively precludes state RCRA enforcement. We believe that this interpretation is erroneous and, if it were to stand, it would seriously retard efforts to deal safely and effectively with hazardous waste at federal facilities.

We believe that EPA's corrective action policy, which states that RCRA requirements apply regardless of whether a facility or part of it is subject to an action under CERCLA, is the proper

interpretation of the interrelationship between these two statutes, both as they apply to private facilities as well as to federal facilities.

Indeed, the Conference Committee report on the Superfund Amendments and Reauthorization Act of 1986 (SARA) states that "CERCLA, together with RCRA, requires Federal facilities to comply with all Federal, State and local requirements, procedural and substantive, including fees and penalties...." Energy and Commerce Committee Chairman John Dingell, who was chairman of the Conference Committee for SARA, stated the conferees' intent clearly when, on October 8, 1986, he said on the House floor that "...the corrective action authorities of [RCRA] apply to Federal facilities, even though they are listed on the National Priorities List." Likewise, on October 3, 1986, Senator John H. Chaffee stated on the Senate floor that "...where RCRA authorities are applicable, the listing of a site on the national priorities list or other response activities conducted pursuant to [SARA] does not and should not impair in any way the implementation of the corrective action authorities of RCRA."

The confusion that exists because of the DOJ brief creates a need for EPA to clarify that its corrective action policy is indeed the current and correct policy and to do so prior to, or coincident with, any action to nominate sites at the Hanford Reservation on the NPL. In doing so, EPA should clarify that the listing of a federal facility on the NPL does not have jurisdictional implications under RCRA.

It is ironic that it is necessary for us to make this request, because we believe that EPA, the State of Washington, and the U.S. Department of Energy's Richland Operations Office have made substantial progress toward addressing the myriad of RCRA and CERCLA problems at the Hanford Reservation. We hope that the recent spirit of cooperation among these agencies that has made this progress possible will lead to the successful negotiation of interagency agreements. It is our fear, however, that the DOJ intepretation -- which in our view is inconsistent with the statutes and with Congressional intent -- seriously jeopardizes the ability of EPA and the State of Washington to engage federal agencies in such negotiations.

In short, given the DOJ interpretation, we are afraid that the designation of the Hanford sites on the NPL at this time could hamper state and EPA regulation of ongoing activities at Hanford unless it is clearly stated, coincident with that designation, that EPA's corrective action policy, as described above, continues to be the policy of the United States.

Sincerely,

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Office of Emergency and Remedial Response

Washington, D.C.

IN THE MATTER OF THE
PROPOSED POLICY REGARDING
NATIONAL PRIORITIES LISTING
FOR FEDERAL FACILITIES

As published in
52 Federal Register
17991 to 17993.

Comments of the
State of Colorado

The State of Colorado through its Attorney General, Duane Woodard, provides the following comments to the proposed policy regarding the National Priorities List -- Listing Policy for Federal Facilities, 40 C.F.R. part 300 (1987), as the proposed policy appeared in 52 F.R. 17991 to 17993 (May 13, 1987).

Colorado opposes the above-named proposed policy which would allow federal facility sites that may be subject to the corrective action authorities of the Resource Conservation and Recovery Act (RCRA) to be included on the NPL. Colorado opposes the proposed policy because it is inconsistent with section 120(a) and 120(i) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. sec. 9620(a), 9620(i) (1986); because it may exempt federal facilities subject to the corrective action authorities of RCRA from enforcement activities in "authorized" states; and because public notification is adequately addressed by other provisions of CERCLA, especially sections 120(b), (c) and (d).

The proposed policy is inconsistent with EPA's announced policy of exclusion from the NPL of nonfederal facility sites that may be subject to the corrective action authorities of RCRA (51 F.R. 21057, June 10, 1986).

Section 120(a)(1) of CERCLA as amended by SARA, requires that each Department, agency and instrumentality of the United States be subject to and comply with CERCLA in the same manner and to the same extent, both procedurally and substantively as

any nongovernmental entity (section 120(a)(1)). Moreover, section 120(a)(2) of CERCLA as amended by SARA specifically mandates that:

> All guidelines, rules, regulations, and criteria which are ... applicable to inclusion on the National Priorities List ... shall also be applicable to (Federal Facilities) in the same manner and to the same extent as such ... are applicable to (non-Federal) Facilities.

42 U.S.C. sec. 9620(a)(2) (1986). Section 120(i) states that "nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any requirement of the Solid Waste Disposal Act (including corrective action requirements)." RCRA similarly requires that federal facilities are subject to the same state and local regulations as is any person. 42 U.S.C. sec. 6961 (1984). Thus, the adoption of the proposed policy considers federal and nonfederal facilities inconsistently vis-a-vis RCRA status in direct contravention of the statutory language of CERCLA as amended by SARA.

Furthermore, the EPA's proposed rule discusses listing RCRA regulated federal facilities. The proposed rule states, "application of the non-federal facilities policy for listing RCRA sites would result in listing very few sites," 50 FR 17992. The number of facilities which may be listed is irrelevant. EPA's proposed rule also states that "in order to treat federal and non-federal sites equally, as required by SARA Section 120, the Agency believes that the RCRA status of the site should not be considered in the decision to place a federal facility site on the NPL," 50 FR 17993. The Agency's "belief" is also irrelevant. This proposed policy is, on its face, inconsistent with section 120(a) of SARA, and it is unfathomable that the agency "believes" a policy in direct contravention to the clear language of SARA should be adopted.

The effect of the proposed policy might be to illogically remove the listed federal facilities from the purview of all RCRA enforcement activities in "authorized" states. While section 121(d)(2)(A) of CERCLA, as amended, mandates that all applicable, relevant and appropriate standards (ARARs) be attained at nonfederal and federal facilities, except as provided in section 121(d)(4), the scope of ARARs has not yet been delineated. Assuming, arguendo, that ARARs are construed in such a manner as to include substantive standards only, and to exclude enforcement

activities, penalties, and sanctions, the proposed policy creates an untenable situation. Assuming such a construction the proposed policy could negate all possibility of RCRA enforcement activities regarding RCRA-regulated units within federal facility property boundaries in "authorized" states. Such a result is unacceptable.

Public notification requirements of CERCLA, as amended by SARA, are adequately addressed by the Federal Agency Waste Compliance Docket as mandated by sections 121(b), (c) and (d) of CERCLA. The Docket System is designed to appraise the public about the problems and the responses being taken at federal facilities. Therefore, NPL listing of federal facilities is unnecessary.

In conclusion, Colorado opposes adoption of the proposed policy because it is inconsistent with EPA's policy regarding nonfederal facility sites that may be subject to RCRA and, as such, is contrary to the clear language of CERCLA 120(a) and 120(i); because it might preclude RCRA enforcement activities at federal facilities in "authorized" states; and because adoption of the proposed policy is not necessary in order to inform the public of responses undertaken at federal facilities.

Respectfully submitted,

ON BEHALF OF THE STATE OF COLORADO

FOR THE ATTORNEY GENERAL

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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Office of Emergency and Remedial Response

Washington, D.C.

IN THE MATTER OF THE PROPOSED RULE REGARDING "NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES; FEDERAL FACILITIES SITES"	))))	Comments of the State of Colorado

As published in
52 Federal Register
27643 to 27647.

The State of Colorado through its Attorney General, Duane Woodard, provides the following comments on the proposed rule regarding the National Priorities List for Uncontrolled Hazardous Waste Sites; Federal Facility Sites, 40 C.F.R. pt. 300 (1987) as the proposed rule appeared in 52 Fed. Reg. 27,643-27,647 (July 22, 1987).

The Rocky Mountain Arsenal (RMA) was included in the National Priorities List (NPL) on July 22, 1987 (52 Fed. Reg. 27,620). Colorado opposes the expansion of the RMA site to include the surface impoundment known as Basin F.

I. COLORADO OBJECTS TO THE EXPANSION OF THE RMA NPL SITE TO INCLUDE BASIN F BECAUSE IT WILL DETERMINE WHETHER STATE LAW APPLIES TO THE PENDING LITIGATION.

Since December, 1980 the RMA has been the subject of litigation brought under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. sec. 9601-9675 (1980), by the United States against Shell Oil Company and by the State of Colorado against the United States Department of the Army, the United States of America, Shell Oil Company and Shell Chemical Company, consolidated case No. 83 C 2379, in the United States District Court for the District of Colorado.

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On April 10, 1985 EPA proposed a policy for deferring listing of RCRA sites and for deletion from the NPL of RCRA sites currently proposed or promulgated on the NPL. In its response to comments made regarding the final listing policy of RCRA sites, EPA considered the NPL as an informational tool only:

> As has been explained repeatedly in NPL rulemakings, the NPL is primarily a tool for use by the Agency in identifying sites that appear to present a significant risk to public health or the environment.

51 Fed. Reg. 21,054, 21,061 (1986).

The EPA response to comments specifically denied that NPL listing would influence the outcome of ongoing litigation. "Placing a site on the NPL is not intended to influence litigation over candidate sites." 51 Fed. Reg. 21,054, 21,061 (1986). However, pursuant to the Superfund Amendments and Reauthorization Act (SARA) of 1986, listing a federal facility to the NPL will inevitably influence the outcome of the ongoing litigation.

Section 120(a)(4) of CERCLA as amended by SARA provides that:

> State laws concerning removal and remedial action, including State laws regarding enforcement, shall apply to removal and remedial action at (federal) facilities <u>when such facilities are not included on the national priorities list</u>.

If Basin F is listed to the NPL, section 120(a)(4) will not apply to the Basin F cleanup. Furthermore, state laws pertaining to removal and remedial actions will not be considered independently enforceable standards. Instead, state laws will be reviewed to determine whether they are applicable or relevant and appropriate standards ARARs pursuant to CERCLA sec. 121(d). Under section 121 of CERCLA, the Secretary of the Army, acting for the President as the designee of the Secretary of the Department of Defense will consider whether state laws are applicable or relevant and appropriate and may waive any ARAR if he finds that any one of the six statutory bases for waiver exists. Section 121(d)(4).

Therefore, the State of Colorado questions the present intent of EPA in proposing to include Basin F as part of the NPL site since it is clear that such an action will affect the out-

come of what law (state of federal) applies to the pending litigation. The state is, accordingly, opposed to the listing of Basin F.

II. THE LISTING OF BASIN F WILL ALSO AFFECT THE OUTCOME OF PENDING LITIGATION BECAUSE IT WILL DETERMINE WHETHER THE REQUIREMENTS OF THE SOLID WASTE DISPOSAL ACT APPLY.

The State of Colorado brought an action against the United States Department of the Army to secure strict compliance at the RMA with the Colorado Hazardous Waste Management Act (CHWMA), section 25-15-300, C.R.S. (1982) and the Colorado Hazardous Waste Management Regulations, 6 CCR 1007-3, (9-84) Civil Action No. 86 CV 19549, in the District Court for the City and County of Denver, State of Colorado.

Section 120(i) of CERCLA specifically requires compliance with the CHWMA and regulations, promulgated thereunder. Section 120(i) provides:

> Nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any requirement of the Solid Waste Disposal Act (including corrective action requirements).

The Colorado statutory and regulatory scheme cited above operates "in lieu" of the federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and regulations promulgated thereunder by specific authorization from the Administrator of the United States Environmental Protection Agency. 49 Fed. Reg. 40,136 (Oct. 19, 1984). Pursuant to Colorado's CHWMA authority, a closure plan for Basin F was submitted by the Army. After public comment and hearing, Colorado modified and approved the closure plan. That closure plan and schedule is currently being implemented in accordance with the Colorado law. Pursuant to the current schedule, Basin F liquid wastes will be finally managed by 1989. Basin F solid wastes will be finally managed (i.e., treated and disposed) by 1992. If a remedial action for Basin F is implemented under section 121 of CERCLA the schedule will be significantly impacted and result in delays in the final cleanup of Basin F wastes.

Under section 121 of CERCLA, Colorado's statutory and regulatory requirements may be precluded if section 120(i) is ultimately construed in such a manner as to allow 121(d), waivers.1/ Thus, based upon sections 120(a)(4) and 121(d) listing Basin F to the NPL clearly will affect the outcome of the pending litigation with respect to the applicability of the Solid Waste Disposal Act and the Colorado Hazardous Waste Management Act.

III. CONGRESS SPECIFICALLY INTENDED THAT FEDERAL FACILITIES MUST COMPLY WITH THE SOLID WASTE DISPOSAL ACT AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976. EPA MUST NOT DISREGARD THE APPLICABILITY OF RCRA TO FEDERAL FACILITIES.

In its proposed rule that EPA states that Basin F is not RCRA-regulated because it did not receive hazardous waste after the effective date of the RCRA land disposal regulations. However, Basin F is an active storage unit for RCRA hazardous wastes.2/ Furthermore, the EPA is fully aware that Basin F did, indeed, receive hazardous waste after the 1980 effective date of RCRA. See May 2, 1984 letter from William McNeill to Robert Duprey, attached hereto as Exhibit A. The November 19, 1980 effective date of the subtitle C regulations is the only date relevant to this analysis. Basin F is subject to RCRA even if the effective date of the RCRA Subtitle C land disposal regulations are applicable. The current Basin F closure plan requires the 3 to 4 million gallons of liquids remaining in Basin F to be relocated to storage tanks and requires the Basin F solid wastes to be relocated to a waste pile constructed consistent with RCRA standards. Therefore, the new storage facility for hazardous wastes will clearly receive wastes after the July, 1982 RCRA land disposal regulations effective date and will be subject to the corrective action requirements. Furthermore, the two storage facilities will hold RCRA wastes for longer than 90 days and will necessarily require RCRA permits. See September 11, 1985 EPA Memorandum Regarding Permitting Units Created for Facility Closure, attached hereto as Exhibit C.

IV. THE STATE OF COLORADO OBJECTS TO THE EXPANSION OF THE RMA NPL SITE TO INCLUDE BASIN F BECAUSE, TO DO SO, WOULD BE INCONSISTENT WITH EPA'S POLICY FOR LISTING RCRA REGULATED SITES AT PRIVATE FACILITIES.

EPA's proposed policy for NPL listing of RCRA-regulated units on federal facilities (52 Fed. Reg. 17,991-17,993 (1986)) is completely inconsistent with its final policy for RCRA-regulated private facilities (51 Fed. Reg. 21,057 (1986)). On June 11, 1987, the State of Colorado submitted comments, a copy of which is attached herewith as Exhibit B, objecting to the inconsistent treatment of federal and private facilities. Those comments are hereby adopted and incorporated by reference. For all the reasons recited therein, Colorado objects to the expansion of the RMA NPL site to include Basin F.

V. UNLESS EPA RECOGNIZES THE RETAINED RCRA AUTHORITY OF THE STATES AND EPA AT FEDERAL FACILITIES, FEDERAL RESPONSIBLE PARTIES AND POTENTIALLY RESPONSIBLE PARTIES MAY HAVE FINAL AUTHORITY OVER SELECTION OF ANY FINAL REMEDIAL ACTION (INCLUDING DETERMINATION OF ARARs).

Decisions regarding selection of appropriate remedial actions and the degree of clean-up of hazardous substances, pollutants, and contaminants released into the environment and of control of further release were entrusted to the President by the 99th Congress. CERCLA section 121(a) and (d). The President, in turn, delegated this authority to the Secretary of the Department of Defense "with regard to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of the "Department of Defense" (DOD). Executive Order No. 12,580, 52 Fed. Reg. 2923 (January 23, 1987) sec. 2(d).

The delegation to EPA of CERCLA section 121 authority is subject to the prior delegation to the Department of Defense. Executive Order No. 12,580, 52 Fed. Reg. 2,923 (January 23, 1987) sec. 2(g). In other words, EPA has the authority to veto a remedy selected by the DOD, but does not select the remedy in the first instance. Therefore, the DOD is in the ideal position of making self-serving determinations as to the applicability or

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relevance and appropriateness of state and federal standards, and of selecting the appropriate remedial actions based solely on data it has collected through the remedial investigation/feasibility study process implemented by DOD. EPA cannot, as a matter of policy, allow the development of a situation wherein the entity causing contamination in the first instance would be allowed to make the ultimate determinations as to remedial actions and cleanup standards. Moreover, this provides a benefit to federal facility responsible parties or potentially responsible parties which is not available to private facility responsible parties or potentially responsible parties, in violation of the statutory mandate and clear congressional intent:

> Each department, agency and instrumentality of the United States (including the executive, legislative, and judicial branches of government) shall be subject to, and comply with this chapter in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under section 9607 of this title.

CERCLA section 120(a)(1). Furthermore, by listing Basin F to the NPL, EPA is relinquishing its corrective action enforcement authority, and the state's RCRA enforcement authority. In so doing, EPA assumes the role of an overseer of the ongoing cleanup activities, rather than the agency responsible for enforcing adequate cleanup.

VI. THE EPA DETERMINATION PERTAINING TO GROUND WATER CONTAMINATION NEAR BASIN F IS NOT GERMANE TO THE INCLUSION OR NONINCLUSION OF BASIN F TO THE NPL.

EPA's only remaining justification 3/ for listing Basin F to the NPL pertains to ground water contamination. EPA states that "a significant portion of the ground water contamination to which Basin F contributes appears to come from 'non-regulated' units at RMA." 52 Fed. Reg. 27,643-27,646. Assuming, arguendo, that this statement is true, the additional source(s) of ground water contamination are not germane to other RCRA closure issues, such as liquids, sludges and soils cleanup criteria. EPA's exclusive focus on one media (i.e., ground water) does not address other media at or near Basin F which should be addressed

by RCRA. EPA takes, instead, a simplistic approach: if one type of contamination at a federal facility can be addressed by CERCLA, then there is no reason to retain RCRA authority. This rationale of EPA must be rejected for all the reasons recited above.

CONCLUSION

The effect of the proposed rule to include Basin F as part of the Rocky Mountain Arsenal NPL site denies the direct applicability of any standard, requirement, criteria or limitation other than CERCLA to a federal facility CERCLA site. The EPA seems to argue that two laws (i.e., CERCLA and RCRA) cannot apply simultaneously to the same environmental issue. However, two statutory schemes can be and frequently are applied to the same activity. SARA section 120(i) unequivocally so provides. Colorado has the authority and responsibility to protect its citizens and natural resources from the ravages of federal government indifference through aggressive enforcement of all applicable environmental laws at the Rocky Mountain Arsenal.

The folly of arguing that two laws cannot apply simultaneously to the same site is apparent when it is understood that CERCLA itself contains no substantive requirements for removal or remedial actions. Therefore, the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act standards must apply both substantively and procedurally.

Colorado objects to the inclusion of Basin F as part of the NPL facility, for reasons relating to the application of state laws, in general, and the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and the Colorado Hazardous Waste Management Act, in particular, at Basin F. Furthermore, Colorado objects to the inclusion of Basin F as part of the NPL facility because that action would be inconsistent with EPA's announced policy for listing RCRA-regulated sites at private facilities. The State of Colorado also objects to the inclusion of Basin F as part of the NPL facility because to do so may preclude state authority at the site. Finally, Colorado opposes the proposed action because it insufficiently addresses environmental concerns including contaminated liquids, sludges and soils at and near Basin F.

1/ Colorado does not concede that waivers of the requirements of the Solid Waste Disposal Act, including corrective action requirements are proper. Indeed, Colorado asserts that section 120(i) negates the possibility of section 121(d)(4) waivers with regard to any requirement of the Solid Waste Disposal Act.

2/ The term "active storage unit" is used here as defined by EPA in an August 17, 1983 memorandum from John Skinner, Director, Office of Solid Waste, to Thomas W. Devine, Director, Air and Waste Management Division:

> Storage is an ongoing process as opposed to disposal, which is intended to be the final step in handling hazardous waste. This interpretation is based on EPA's existing regulatory definitions of "storage" and "disposal." "Storage" occurs when waste is held for a temporary period at the end of which the waste is treated, stored or disposed elsewhere. Thus, "storage" always implies that there will be future management of the waste after the storage period is over. Any facility which is storing hazardous waste that was placed on site on or before November 19, 1980, is an active storage facility and is subject to the provisions of RCRA, even if no hazardous waste was placed onsite after November 18, 1980. This applies to storage in surface impoundments and waste piles as well as to storage in tanks and in containers. If a waste pile or surface impoundment is a storage facility, it should be managed in accordance with the interim status requirements. If, however, the placement of waste in the surface impoundment or waste pile occurred before November 19, 1980, and such placement constituted final disposal, the interim status requirements would not apply to the facility unless the owner or operator engaged in significant management activities after November 19, 1980. EPA can rely upon either section 7003 of RCRA or Superfund to mitigate any adverse impacts.

3/ EPA postulated two reasons for adding Basin F to the NPL

site. The first reason was that "Basin F did not receive hazardous waste after the effective date of the RCRA land disposal regulations," 52 Fed. Reg. 27,643. This argument has been addressed in section IV above.

Respectfully submitted,
ON BEHALF OF THE STATE OF COLORADO
FOR THE ATTORNEY GENERAL

HOWARD KENISON, 0477
Deputy Attorney General
CERCLA Litigation Section

Patricia H. Bohm

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AG File No. DEW8705476/MZ

DEPARTMENT OF THE ARMY
ROCKY MOUNTAIN ARSENAL
COMMERCE CITY, COLORADO 80022

SMCRM-TOE-C 2 May 1984

SUBJECT: 8 AW-WM dt 24 Jan 84, RCRA Draft Closure Plan, Basin F, Rocky Mountain Arsenal.

RECEIVED
MAY 4 1984
AIR & HAZARDOUS WASTE DIVISION

Mr. Robert L. Duprey
Director, Air and Waste Management Division
Environmental Protection Agency
1860 Lincoln Street, Suite 103
Denver, Colorado 80295

Dear Mr. Duprey:

Your letter of 24 January 1984 stated that Region VIII endorses the concept of Basin F Closure as identified in the Draft Closure Plan and in the "Contamination Control Strategy". However, we are concerned about your dissatisfaction with waiting until FY 1987 to begin construction and about apparent delays in meeting Memorandum of Agreement milestone dates. Major progress is being made by the Army in moving the Basin F Closure Project into the design phase of construction and in initiating the preparation of our Part B (RCRA) permit application.

The questions in your 24 January 1984 letter fall into two categories: those relating to the 40 CFR Part 265 Basin F Closure Plan and those relating to the 40 CFR Part 264 Part B Permit for new facilities, a separate future document. This letter addresses the Part 265 questions only.

In April 1984 the Army initiated the process of meeting with the Omaha District Corps of Engineers to transfer the design concept, our technical data, and the RCRA Part B permit requirements to the design agency. This process will allow the Army (RMA) to develop an overall closure schedule which we agree is needed. We were not able to enter the design phase earlier due to the seven month period required by Region VIII for review of our closure plan. We do not feel that there would be any merit in submitting a revised Basin F Closure Plan at this time (your letter requested this in March 1984) since the next generation of specifications will evolve from the design project just initiated.

As you are aware, the June 1983 Closure Plan was submitted in advance of the completion of several technical studies which support the project. Our Closure Plan was by necessity conceptual in its formulation. The studies have now been completed with the exception of the Landfill Concept Design which is in the review and comment stage. Copies are enclosed for your review. We recommend your staff review these studies and discuss them with RMA in an

EXHIBIT A

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SMCRM-TOE-C 2 May 1984
SUBJECT: BAW-WH dt 24 Jan 84, RCRA Draft Closure Plan, Basin F, Rocky Mountain Arsenal

attempt to resolve several points you raised about analytical requirements, clean-up standards, leachate, and volume estimates. I recommend a series of technical working sessions to resolve these issues beginning in May 1984. Mr. Ed Berry (289-0120) will serve as point of contact for these meetings.

In response to your request to initiate new studies to identify alternatives for early disposal of Basin F liquid, RMA has in progress the installation of an additional dike and a redesigned pump to augment the Phase I Enhanced Evaporation of Basin F liquid. This expanded project should be in operation in May 1984, early in the evaporation season. We do not plan a formal new study of alternatives for Basin F liquid unless the current plans for evaporation are unsuccessful, but will conduct an informal review of possible alternatives. The solidification of Basin F liquid in FY 1985 will not be possible due to the nonavailability of a processing plant and a storage or disposal area. We do not share your view that the proposed evaporation system will not work due to corrosion.

Basin F received its final waste (chemical sewer line) in August 1982, five months prior to the January 1983 application of Part 264 closure requirements.

Of major concern is the Environmental Protection Agency (EPA) position that the proposed landfill be restricted to Basin F contents only. As you are aware, the Army report "Contamination Control Strategy" discusses the need for other land disposal projects. We, therefore, request that EPA remain open on this question.

RMA proposes redrafting the Basin F Closure Plan concurrent with the completion of 35 percent design. This date will be made available to us by the Corps of Engineers in the near future.

FOR THE COMMANDER:

WILLIAM MCNEILL
Director
Technical Operations

4 Encl
Reports

BASIN F CLOSURE

PROJECT RELATED DOCUMENTS

Proposed Hazardous Waste Landfill Siting and Suitability	RMA& WES	Nov 1983	Available
Laboratory - Scale Solidification of Basin F Concentrate - Working Draft	WES	Jul 1983	Available
Basin F Overburden and Soil Sampling and Analysis Study, Final Draft Report	RMA & WES	Sep 1983	Available
Basin F Closure Plan	RMA	Jun 1983	Available

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Office of Emergency and Remedial Response

Washington, D.C.

IN THE MATTER OF THE
PROPOSED POLICY REGARDING
NATIONAL PRIORITIES LISTING
FOR FEDERAL FACILITIES

As published in
52 Federal Register
17991 to 17993.

Comments of the
State of Colorado

The State of Colorado through its Attorney General, Duane Woodard, provides the following comments to the proposed policy regarding the National Priorities List -- Listing Policy for Federal Facilities, 40 C.F.R. part 300 (1987), as the proposed policy appeared in 52 F.R. 17991 to 17993 (May 13, 1987).

Colorado opposes the above-named proposed policy which would allow federal facility sites that may be subject to the corrective action authorities of the Resource Conservation and Recovery Act (RCRA) to be included on the NPL. Colorado opposes the proposed policy because it is inconsistent with section 120(a) and 120(i) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. sec. 9620(a), 9620(i) (1986); because it may exempt federal facilities subject to the corrective action authorities of RCRA from enforcement activities in "authorized" states; and because public notification is adequately addressed by other provisions of CERCLA, especially sections 120(e), (f) and (j).

The proposed policy is inconsistent with EPA's announced policy of exclusion from the NPL of nonfederal facility sites that may be subject to the corrective action authorities of RCRA (51 F.R. 21057, June 10, 1986).

Section 120(a)(1) of CERCLA as amended by SARA, requires that each Department, agency and instrumentality of the United States be subject to and comply with CERCLA in the same manner and to the same extent, both procedurally and substantively as

EXHIBIT 3

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any nongovernmental entity (section 120(a)(1)). Moreover, section 120(a)(2) of CERCLA as amended by SARA specifically mandates that:

> All guidelines, rules, regulations, and criteria which are ... applicable to inclusion on the National Priorities List ... shall also be applicable to (Federal Facilities) in the same manner and to the same extent as such ... are applicable to (non-Federal) Facilities.

42 U.S.C. sec. 9620(a)(2) (1986). Section 120(i) states that "nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any requirement of the Solid Waste Disposal Act (including corrective action requirements)." RCRA similarly requires that federal facilities are subject to the same state and local regulations as is any person. 42 U.S.C. sec. 6961 (1984). Thus, the adoption of the proposed policy considers federal and nonfederal facilities inconsistently vis-a-vis RCRA status in direct contravention of the statutory language of CERCLA as amended by SARA.

Furthermore, the EPA's proposed rule discusses listing RCRA regulated federal facilities. The proposed rule states, "application of the non-federal facilities policy for listing RCRA sites would result in listing very few sites," 50 FR 17992. The number of facilities which may be listed is irrelevant. EPA's proposed rule also states that "in order to treat federal and non-federal sites equally, as required by SARA Section 120, the Agency believes that the RCRA status of the site should not be considered in the decision to place a federal facility site on the NPL," 50 FR 17993. The Agency's "belief" is also irrelevant. This proposed policy is, on its face, inconsistent with section 120(a) of SARA, and it is unfathomable that the agency "believes" a policy in direct contravention to the clear language of SARA should be adopted.

The effect of the proposed policy might be to illogically remove the listed federal facilities from the purview of all RCRA enforcement activities in "authorized" states. While section 121(d)(2)(A) of CERCLA, as amended, mandates that all applicable, relevant and appropriate standards (ARARs) be attained at nonfederal and federal facilities, except as provided in section 121(d)(4), the scope of ARARs has not yet been delineated. Assuming, arguendo, that ARARs are construed in such a manner as to include substantive standards only, and to exclude enforcement

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activities, penalties, and sanctions, the proposed policy creates an untenable situation. Assuming such a construction the proposed policy could negate all possibility of RCRA enforcement activities regarding RCRA-regulated units within federal facility property boundaries in "authorized" states. Such a result is unacceptable.

Public notification requirements of CERCLA, as amended by SARA, are adequately addressed by the Federal Agency Waste Compliance Docket as mandated by sections 121(b), (c) and (d) of CERCLA. The Docket System is designed to appraise the public about the problems and the responses being taken at federal facilities. Therefore, NPL listing of federal facilities is unnecessary.

In conclusion, Colorado opposes adoption of the proposed policy because it is inconsistent with EPA's policy regarding nonfederal facility sites that may be subject to RCRA and, as such, is contrary to the clear language of CERCLA 120(a) and 120(i); because it might preclude RCRA enforcement activities at federal facilities in "authorized" states; and because adoption of the proposed policy is not necessary in order to inform the public of responses undertaken at federal facilities.

Respectfully submitted,

ON BEHALF OF THE STATE OF COLORADO

FOR THE ATTORNEY GENERAL

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 11 1985

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Permitting Units Created for Facility Closure

FROM: Bruce R. Weddle, Director
Permits and State Programs Division (WH-563)

TO: Hazardous Waste Division Directors and Branch Chiefs
Regions I-X

This memorandum addresses the question of whether hazardous waste management units built specifically as part of the closure process must by covered by RCRA permits. Some facilities have proposed closure schemes which involve the creation of a new tank, impoundment, pile, or incinerator to manage hazardous wastes exhumed and/or transferred during closure. A number of owners/operators have argued that creation of these new units is a necessary and temporary measure to accomplish closure of regulated units. They have sought to have the new units approved in their Part 265 closure plan rather than through the permit process.

In all cases, the addition of new units requires more than closure plan approval. In some cases it requires a permit. The Part 264 standards apply to new units added during closure as well as to new operating units. The regulations do not provide a means for exempting new units from the permitting standards simply because they are used in the closure process.

Alternatively, the addition of new units may constitute an allowable change to a facility during interim status. According to §270.72(c), changes in processes or addition of processes may be allowed if a revised Part A and justification are submitted, and the Director approves the change because of an emergency situation or because it is necessary to comply with Federal regulations or State or local laws. In the case of adding a new unit for closure, this section could be applicable if the Director agrees that the additional unit is necessary for the owner/operator to comply with Part 265 closure requirements. In no case, however, may the cost of adding these units exceed 50% of the cost of building a comparable entirely new facility (§270.72(e)).

cc: Permit Section Chiefs, Regions I-X
Peter Guerrero
Terry Grogan
Carole Assaleo
Amy Mills
Dave Fege

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Statement

Subcommittee on Superfund and Environmental Oversight

Committee on Environment and Public Works

United States Senate

Cynthia V. Bailey

Department of Waste Management

Commonwealth of Virginia

August 4, 1988

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE:

IT IS A PLEASURE TO APPEAR BEFORE YOU TODAY TO DISCUSS COMPLIANCE BY FEDERAL FACILITIES WITH VIRGINIA'S LAWS AND STATUTES GOVERNING WASTE MANAGEMENT. WITH ME ARE WILLIAM F. GILLEY, DIRECTOR, DIVISION OF REGULATION, AND STEVEN E. FRAZIER, A CHEMIST RESPONSIBLE FOR INSPECTION AT OUR FEDERAL FACILITIES. THE VIRGINIA DEPARTMENT OF WASTE MANAGEMENT IS A PART OF THE SECRETARIAT OF NATURAL RESOURCES AND IS RESPONSIBLE FOR REGULATION OF SOLID WASTE MANAGEMENT, HAZARDOUS WASTE MANAGEMENT, SUPERFUND, NUCLEAR WASTE MANAGEMENT, AND FOR PROMOTING LITTER CONTROL AND RECYCLING.

VIRGINIA HOLDS AUTHORIZATION FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) TO IMPLEMENT THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA); THE COMMONWEALTH DOES NOT HAVE AUTHORIZATION TO IMPLEMENT THOSE CHANGES MADE TO RCRA BY THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984. VIRGINIA RECEIVES FEDERAL MONEYS TO IMPLEMENT THE RCRA PROGRAM.

IN ADDITION, THE COMMONWEALTH RECEIVES FUNDS FROM USEPA TO PARTICIPATE IN BOTH PRE-REMEDIAL AND REMEDIAL ACTIVITIES UNDER SUPERFUND. LEGISLATION ENACTED BY THE 1988 VIRGINIA GENERAL ASSEMBLY AUTHORIZES THE DEPARTMENT TO IMPLEMENT A STATE SUPERFUND PROGRAM.

AS I AM SURE YOU ARE AWARE, MANY FEDERAL FACILITIES CALL VIRGINIA HOME. THESE INCLUDE BOTH DEPARTMENT OF DEFENSE (DOD) FACILITIES AND NON-DEPARTMENT OF DEFENSE FACILITIES. OF THOSE FEDERAL FACILITIES IN VIRGINIA, 46 ARE DOD AND/OR MILITARY

FEDERAL FACILITIES, AND 17 ARE NON-MILITARY FACILITIES.

FACILITIES THAT ARE NON-MILITARY IN NATURE ARE REGULATED BY THE DEPARTMENT PRIMARILY AS HAZARDOUS WASTE GENERATORS. THESE INCLUDE LABORATORIES, PRINT SHOPS, AND PRISON WORKSHOPS. WE HAVE EXPERIENCED NO SIGNIFICANT PROBLEMS WITH COMPLIANCE AT THESE FACILITIES. IN ADDITION, THE DEPARTMENT REGULATES SOLID WASTE LANDFILLS AT SEVERAL FEDERAL FACILITIES. BECAUSE COMPLIANCE WITH THESE FACILITIES IS NOT A SUBSTANTIAL PROBLEM, I WILL NOT ADDRESS THESE ISSUES EITHER.

FINALLY, FEDERAL FACILITIES MUST COMPLY WITH VIRGINIA'S HAZARDOUS WASTE SITING LAW. WE HAVE NUMEROUS QUESTIONS ABOUT THE INTERPRETATION OF THIS LAW BUT HAVE ENJOYED GENERAL COOPERATION FROM DOD INSTALLATIONS.

HAZARDOUS WASTE REGULATION

OF THE 46 DOD FACILITIES, 12 ARE GENERATORS AS WELL AS TREATMENT, STORAGE, AND DISPOSAL (TSD) FACILITIES, 9 ARE GENERATORS ONLY, 14 ARE SMALL QUANTITY GENERATORS, AND 11 HAVE FILED PROTECTIVELY. ACTIVITIES THAT CAUSE A MILITARY FACILITY TO BE REGULATED UNDER HAZARDOUS WASTE REGULATION INCLUDE VEHICLE, AIRCRAFT AND SHIP MAINTENANCE SHOPS, GENERAL SITE MAINTENANCE, AND INDUSTRIAL-LIKE ACTIVITIES. ONE FEDERAL FACILITY HOLDS A PERMIT; THE OTHERS HAVE INTERIM STATUS. SEE EXHIBIT 1.

THERE HAVE BEEN MANY VIOLATIONS BY MILITARY FACILITIES IN VIRGINIA IN THE LAST SEVERAL YEARS. IN THE LAST YEAR, HOWEVER, WE HAVE ENJOYED MORE CONCERTED EFFORTS ON THE PART OF DOD FACILITIES TO COMPLY, AND BETTER COOPERATION FROM FACILITY STAFF.

FACILITY STAFF IS BEGINNING TO RECOGNIZE THE VALUE OF SHARING FUTURE PLANS WITH STATE REGULATORY AGENCIES. THE PERSISTENT VIOLATIONS TYPICALLY ARE IN THE FOLLOWING AREAS:

1. IMPROPER HANDLING OF WASTE ON-SITE WITH RESPECT TO LABELING, SECURITY OF STORAGE AREAS, AND IDENTIFICATION OF WASTE.
2. FAILURE TO IMPLEMENT WASTE MINIMIZATION PROGRAMS OR OVER-DESIGNATING MATERIALS AS WASTES.
3. STORAGE WITHOUT A PERMIT BEYOND THE NINETY-DAY STORAGE TIME ALLOWED UNDER VIRGINIA REGULATIONS.
4. CONSTRUCTION OF NEW BUILDINGS FOR WASTE STORAGE WITHOUT PERMITS.

ON-SITE WASTE MANAGEMENT

AS I INDICATED EARLIER, MOST DOD FACILITIES HAVE SHOWN IMPROVEMENTS IN MEETING REGULATORY REQUIREMENTS IN THE LAST YEAR. THE GREATEST IMPROVEMENT HAS BEEN IN MEETING REGULATORY REQUIREMENTS FOR WASTE IDENTIFICATION AND ON-SITE WASTE MANAGEMENT. SOME VIOLATIONS REMAIN OUTSTANDING. PROBLEMS NOTED DURING INSPECTIONS WERE: INCOMPATIBLE WASTE STREAMS STORED IN CLOSE PROXIMITY; STORAGE OF UNKNOWN WASTES; AND POOR CONTAINER CONDITIONS.

CORRECTION OF WASTE ACCUMULATION AREA INSPECTION DEFICIENCIES AND INCREASED PERSONNEL TRAINING HAVE GREATLY IMPACTED AWARENESS OF HAZARDOUS WASTE RESPONSIBILITIES AND REQUIREMENTS.

DURING LAST YEAR'S INSPECTIONS IT WAS NOTED THAT MOST DOD TSDs HAD MAJOR DISCREPANCIES BETWEEN THEIR CURRENT WASTE MANAGEMENT PRACTICES AND THE ACTIVITIES FOR WHICH THEY RECEIVED INTERIM STATUS. FOR EXAMPLE, ONE FACILITY (NORFOLK NAVAL SHIPYARD) FILED ITS INITIAL PART A FOR APPROXIMATELY 192 DRUMS, YET MORE THAN 7,000 DRUMS WERE REPORTED TO HAVE BEEN FOUND BY FACILITY MANAGEMENT. THOSE TSDs HAVE NOW SUBMITTED REVISED PART A INTERIM STATUS APPLICATIONS TO REFLECT CURRENT ACTIVITIES AND HAVE TERMINATED NON-RCRA REGULATED ACTIVITIES, ADDED NEW WASTE STREAMS, OR INCREASED CAPACITY. IN GENERAL, THE ENTIRE ISSUE OF PART A PERMITTED ACTIVITIES HAS UNDERGONE A COMPLETE OVERHAUL AT VIRGINIA'S DOD TSD'S.

WASTE MINIMIZATION

A PROBLEM RELATED TO ON-SITE MANAGEMENT IS THE NEED FOR WASTE MINIMIZATION. DOD FACILITIES ARE ONLY BEGINNING TO ADDRESS WASTE MINIMIZATION PRACTICES. MAJOR SHORTFALLS IN WASTE MINIMIZATION PROGRAMS OCCUR AT POINT-OF-GENERATION WASTE IDENTIFICATION AND SEGREGATION. EXCESSIVE AMOUNTS OF NON-HAZARDOUS WASTE BECOMES REGULATED AS A HAZARDOUS WASTE BY POOR HOUSEKEEPING BY THE FACILITY OR BY THE FACILITY'S ERRONEOUS DECLARATION THAT IT IS A HAZARDOUS WASTE, THUS MAKING IT A HAZARDOUS WASTE UNDER REGULATORY REQUIREMENTS.

IN ADDITION, PRODUCT THAT IS TO BE SURPLUSED IS OFTEN DESIGNATED AS A WASTE RATHER THAN A PRODUCT AVAILABLE FOR SURPLUS SALE. BETTER PLANNING BY MANAGEMENT AT THE DEFENSE REUTILIZATION AND MARKETING OFFICE (DRMO) IS REQUIRED. ALTERNATIVELY, MORE

DISCRETION SHOULD BE GIVEN TO INSTALLATION STAFF AT INDIVIDUAL INSTITUTIONS.

STORAGE BEYOND NINETY DAYS

THE MOST PERSISTENT PROBLEM WE HAVE FACED IS THE STORAGE OF WASTE BEYOND THE NINETY DAY ACCUMULATION TIME AUTHORIZED BY STATE AND FEDERAL REGULATIONS. BEYOND NINETY DAYS, A STORAGE PERMIT IS REQUIRED.

FACILITY PERSONNEL HAVE INDICATED THAT THE PRACTICES USED BY DRMO ARE LARGELY RESPONSIBLE FOR EXCESSIVE WASTE ACCUMULATION, AND EXCESSIVE TIME IN STORAGE BETWEEN GENERATION AND OFF-SITE DISPOSAL. AS I UNDERSTAND IT, FACILITIES ARE UNDER DOD INSTRUCTION TO USE DRMO'S CONTRACTORS TO TRANSPORT HAZARDOUS WASTE TO TREATMENT OR DISPOSAL FACILITIES. DRMO'S CONTRACTORS MAY SCHEDULE THEIR PICKUPS FOR THEIR CONVENIENCE AND NOT TO ENSURE A FACILITY'S COMPLIANCE WITH HAZARDOUS WASTE MANAGEMENT REGULATIONS.

ANOTHER PROBLEM WITH DRMO HANDLING OF HAZARDOUS WASTE HAS BEEN THE DONATION OR SALE TO NON-PERMITTED FACILITIES OF SURPLUS MATERIAL. IN ONE CASE, PAINT SOLVENT WASTES WERE GIVEN TO A FACILITY THAT COULD NOT USE THEM CAUSING THE DRUMS TO BE DISCARDED TO THE SIDE OF THE PROPERTY ALONG A PUBLIC ROAD. A SECOND CASE OCCURRED WHERE GAS CYLINDERS WERE SOLD TO A LOCAL SCRAP DEALER. BECAUSE OF LEAKS AND A POTENTIAL IMMINENT THREAT, THIS SITUATION WAS THE SUBJECT OF AN EMERGENCY ACTION.

BECAUSE OUR RESPONSIBILITY AND REGULATORY AUTHORITY IS OVER THE FACILITY AND NOT DRMO, WE ARE POWERLESS TO ASSIST OUR

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MILITARY FACILITIES IN COMPLYING. I RECOMMEND THAT FACILITIES BE GIVEN THE AUTHORITY TO CONTRACT WITH COMMERCIAL TRANSPORTERS INSTEAD OF OR IN ADDITION TO DRMO'S EFFORTS IN ORDER TO COMPLY WITH THE COMMONWEALTH'S NINETY-DAY STORAGE LIMITATION.

CONSTRUCTION WITHOUT PERMITS

FEDERAL FACILITIES RECEIVED INTERIM STATUS FOR ACTIVITIES AS DID OTHER NON-GOVERNMENTAL OPERATIONS. WE HAVE EXPERIENCED PROBLEMS WITH FACILITIES CONSTRUCTING NEW, ALBEIT BETTER, STORAGE FACILITIES WITHOUT FIRST OBTAINING A PART B PERMIT AS REQUIRED BY BOTH FEDERAL AND STATE REGULATIONS. THESE FACILITIES (NORFOLK NAVAL BASE, OCEANA NAVAL AIR STATION, QUANTICO MARINE BASE HAVE CONSTRUCTED NEW STORAGE BUILDINGS WITHOUT SEEKING APPROPRIATE PERMITS. ENVIRONMENTALLY, IT IS MORE APPROPRIATE TO REMOVE STORED HAZARDOUS WASTE DRUMS FROM OPEN FIELDS; HOWEVER FAILURE TO FIRST OBTAIN PERMITS TO ASSURE PROPER PROTECTION AND CONTAINMENT COMPROMISES THE ENTIRE SYSTEM. ONE FACILITY WAS CONSTRUCTED FOR NINETY-TWO DRUMS WHILE THE NEEDED CAPACITY WAS MORE PROPERLY 600-1200 DRUMS. APPLICATION FOR A PERMIT PRIOR TO CONSTRUCTION WOULD HAVE MINIMIZED DELAYS IN OCCUPANCY AND RESULTED IN A PROPERLY SIZED FACILITY.

RECOMMENDATIONS FOR HAZARDOUS WASTE PRACTICES

I HAVE ENCLOSED FOR YOUR INFORMATION SUMMARIES OF PENDING OR RECENTLY COMPLETED FEDERAL FACILITY ENFORCEMENT ACTIONS SO THAT YOU MAY BE AWARE OF TYPICAL PROBLEMS. SEE EXHIBIT 2. AGAIN I WISH TO STRESS THAT MANY OF THE PROBLEMS EXPERIENCED BY VIRGINIA'S FACILITIES APPEAR TO BE PROBLEMS RELATED TO PRACTICES

BY DRMO, AND OUR FACILITIES ARE OFTEN UNABLE TO RECTIFY THAT PROBLEM.

IN ADDITION, I THINK IT IS CLEAR THAT, WHILE RCRA APPLIES TO FEDERAL FACILITIES, NEITHER RCRA NOR ITS IMPLEMENTING REGULATIONS RECOGNIZE THE SUBSTANTIAL DIFFERENCE BETWEEN FEDERAL FACILITIES AND PRIVATE INDUSTRY. MANY FEDERAL FACILITIES, INCLUDING MANY OF THOSE IN VIRGINIA, ARE ON MILITARY BASES OF ENORMOUS SIZE, SOME OF WHICH HAVE PUBLIC ROADS AND HIGHWAYS RUNNING THROUGH THEM AND INVOLVE MANY DIFFERENT OPERATIONS GENERATING HAZARDOUS WASTE. ACCUMULATING WASTES ON ONE PORTION OF THE FACILITY NECESSITATES WASTE ANALYSIS AND MANIFESTING TO A CENTRAL STORAGE FACILITY ON THE SAME INSTALLATION PRIOR TO DISPOSAL BECAUSE TRANSPORT MUST FOLLOW PUBLIC ROADS. WHILE THE STATES HAVE THE AUTHORITY TO ADOPT MORE STRINGENT REGULATIONS THAN USEPA'S, THE STATES CANNOT GRANT SPECIAL EXEMPTIONS TO THE MILITARY THAT MIGHT RENDER THEIR PROGRAMS LESS EFFECTIVE THAN THE FEDERAL PROGRAM. ACCORDINGLY, I RECOMMEND THAT CONSIDERATION BE GIVEN TO AMENDING EPA'S REGULATIONS TO TAKE INTO ACCOUNT SOME OF THE SPECIAL GEOGRAPHICAL AND OPERATIONAL CHARACTERISTICS OF FEDERAL FACILITIES, ESPECIALLY MILITARY FACILITIES. I DO NOT RECOMMEND ANY LESSENING OF TECHNICAL STANDARDS, BUT DO RECOMMEND THAT THE PRACTICALITY USED IN DEVELOPING THE RCRA REGULATIONS FOR PRIVATE INDUSTRY BE USED IN SOME RESPECT TO DEVELOP MORE PRACTICAL REGULATIONS FOR MILITARY INSTALLATIONS.

FINALLY, THE FREQUENT TURNOVER OF COMMANDERS AND OTHER RESPONSIBLE PERSONNEL MAKES IT DIFFICULT TO ENSURE THAT

COMPLIANCE WITH THE HAZARDOUS WASTE REGULATIONS REMAINS A PRIORITY AT A PARTICULAR FACILITY. VIRTUALLY EVERY FACILITY HAS RESPONDED TO OUR ENFORCEMENT ACTION AT SOME TIME AS PART OF ITS DEFENSE THAT THERE IS NOW A NEW COMMANDER ON BOARD OR A NEW PERSON RESPONSIBLE FOR ENVIRONMENTAL COMPLIANCE, AND THAT THOSE PERSONS HAVE NOW MADE ENVIRONMENTAL COMPLIANCE A HIGH PRIORITY. THIS LACK OF CONTINUITY DISCOURAGES INFORMAL ADMINISTRATIVE REMEDIES AND ENCOURAGES JUDICIAL ENFORCEMENT. MOREOVER, THE PERSON RESPONSIBLE FOR ENVIRONMENTAL MATTERS IS OFTEN EITHER OVERBURDENED WITH OTHER ADMINISTRATIVE DUTIES OR IS A TECHNICIAN RESPONSIBLE FOR NUTS AND BOLTS RATHER DOING THE WORK OF A MANAGER. CIVILIAN PERSONNEL NEED TO BE ASSURED OF SUPPORT BY BASE COMMAND.

THE AVAILABILITY OF CIVIL PENALTIES TO THE STATES WITHOUT RESORT TO JUDICIAL ACTION WOULD INCREASE THE INCENTIVE FOR COMPLIANCE.

INSTALLATION RESTORATION PROGRAM

BECAUSE OF THE RELATIVE NEWNESS OF THE FEDERAL INSTALLATION RESTORATION PROGRAM, VIRGINIA HAS FAR LESS EXPERIENCE WITH THAT PROGRAM THAN WITH HAZARDOUS WASTE REGULATION. AT THIS TIME WE HAVE APPROXIMATELY 33 FACILITIES INCLUDING 113 SITES IN THE RESTORATION PROGRAM. THERE ARE APPROXIMATELY 89 SITES THAT HAVE IDENTIFIED PROBLEMS, 17 HAVE NO APPARENT PROBLEMS OR HAVE BEEN CLEANED UP, 24 SITES HAVE A REMEDIAL INVESTIGATION/FEASIBILITY STUDIES IN PROGRESS OR COMPLETED, AND CLEANUPS ARE PLANNED AT 9 SITES AT THIS TIME. THESE 9 SITES INCLUDE DIOXIN CONTAMINATION

AT FORT A. P. HILL, UNDERGROUND STORAGE TANK REMOVAL AND GROUNDWATER CLEANUP AT LANGLEY, PCB REMOVAL ACTION AT QUANTICO, PCB REMOVAL AT DRIVER NAVAL FACILITY, PCB REMOVAL AT NORFOLK NAVAL BASE, AND SOIL AND GROUNDWATER CLEANUP AT DEFENSE GENERAL SUPPLY CENTER.

ALSO ENCLOSED IN YOUR MATERIALS IS A FACILITY-BY-FACILITY DESCRIPTION OF SITES UNDER THE FACILITY RESTORATION PROGRAM. SEE EXHIBIT 3. WHILE THERE ARE A SUBSTANTIAL NUMBER OF PROBLEMS WITH CONTAMINATION AT VARIOUS SITES BY HYDROCARBONS, BY METALS, BY PCBS, AND BY OTHER VOLATILE MATERIALS, AT THIS POINT I HAVE NO PARTICULAR PROBLEMS WITH THE WAY OUR FACILITIES ARE PROGRESSING. ALL WITH WHOM WE HAVE WORKED APPEAR TO BE MOVING IN GOOD FAITH TOWARD CLEANUP OF THE SITES UNDER THIS PROGRAM. IMPORTANTLY, THE COMMONWEALTH IS KEPT ABREAST OF ACTIVITIES SO THAT WE ARE ASSURED THAT CLEANUP ACTIVITIES REFLECT STANDARDS MANDATED BY STATE LAW.

EXHIBIT 1

08/03/88 VIRGINIA HAZARDOUS WASTE ACTIVITY NOTIFIERS

HANDLER	EPAID #	TYPE(S)		ADDRESS	CITY	ZIP	CONTACT	PHONE
U S AAFES - NEWPORT NEWS CTR.	VA0210090015	G		231 ENTERPRISE DRIVE	NEWPORT NEWS	23603	THOMPSON FOY	(804)-888-2881
U S AIR FORCE CAPE CHARLES AFS	VA2572124403	N			CAPE CHARLES	23310	SCOTT MR CHIEF CIVIL	(804)-331-2760
U S AIR FORCE LANGLEY AIR FORC	VA4570024477	G		C/O 1 CSG/DEEV BUILDING	LANGLEY AFB	23665	THOMAS A WITTEKAMP	(804)-764-3967
U S ARMY - ARLINGTON NATIONAL	VA6210020032	G		ARLINGTON NATIONAL CEMET	ARLINGTON	22211	ERIK DIHLE	(202)-696-3316
U S ARMY - VA NAT GUARD SHOP	VA6470090030	Q		3100 ALCOTT ROAD	RICHMOND	23237	JOHN ROSS	(804)-275-3285
U S ARMY - VIRGINIA NAT. GUARD	VA2210022916	Q	T	501 E. FRANKLIN STREET	RICHMOND	23219	EDWARD THORNTON	(804)-344-4249
U S ARMY AMMUNITION PLANT	VA1210020730	S/T		STATE ROUTE 114	RADFORD	24141	REGINALD TYLER	(703)-639-8641
U S ARMY ARLINGTON HALL STATIO	VA7210020031	Q		4000 ARLINGTON BLVD	ARLINGTON	22212	FRED WILLIAMSON	(202)-692-2751
U S ARMY CAMERON STATION	VA4210220139	G		CAMERON STATION ROW	ALEXANDRIA	22304	ROBERT PAGUETTE	(202)-475-2793
U S ARMY ENGINEER CENTER & FOR	VA8968032193	N		DFAE BUILDING 193 ATZA-F	FORT BELVOIR	22060	JEFF GERBER	(703)-664-6156
U S ARMY ENGINEER DIST. WILMNG	VA7210090003	N		JOHN H KERR RESERVOIR	BOYDTON	23917	JACKSON RICHARD CH E	(919)-343-4745
U S ARMY FORT A P HILL	VA2210020416	S/T		AFZI-FME-E	BOWLING GREEN	22427	ROBERT BOUCHER	(804)-633-8215
U S ARMY FORT A P HILL GARRISO	VA0000779903	N			BOWLING GREEN	22427		
U S ARMY FORT BELVOIR	VA7213720002	S/T	T	DEH BLDG. 1442 AT2A-FE	FORT BELVOIR	22060	PATRICK MCLAUGHLIN	(703)-664-1232
U S ARMY FORT EUSTIS	VA8213720321	G		BUILDING 1487	FORT EUSTIS	23604	CHRISTOPHER JONES	(804)-876-2590
U S ARMY FORT LEE	VA7210020502	G		FORT LEE	FORT LEE	23801	JAMES MCKENNA	(804)-734-1428
U S ARMY FORT MONROE	VA5210020603	Q		BUILDING 28, MURRAY STRE	FORT MONROE	23651	PHYLLIS SPROCK	(804)-727-3250
U S ARMY FORT MYER	VA8210020626	G		FORT MYER ROW	ARLINGTON	22211	ROBERT PAGUETTE	(202)-475-2793
U S ARMY FORT PICKETT	VA2213720931	Q		DEH BLDG 234 FORT PICKET	BLACKSTONE	23924	DAVID FOLEY	(804)-292-2638
U S ARMY FORT STORY	VA1213720015	Q		BUILDING 300	FORT STORY	23459	W.E. LONGMIRE	(804)-878-5205
U S ARMY VINT HILL FARMS STATI	VA0656505431	N			WARRENTON	22186		
U S ARMY WARRENTON TRAINING	VA2210020018	Q		WARRENTON	WARRENTON	22186	PAUL WILSON	(703)-347-8221
U S CENTRAL INTELLIGENCE AGY	VA2110390016	G		ROUTE 123	LANGLEY	22101	JAMES H. NEW	(703)-281-8606
U S CENTRAL INTELLIGENCE AGY	VA2110212458	Q		ROUTE 123	MCLEAN	22101	CHARLES POFFENBERGER	(703)-482-1698
U S COAST GUARD - ALEXAN. STA	VA8690507873	Q		7323 TELEGRAPH ROAD	ALEXANDRIA	22310	PHIL POOLE	(703)-644-3771
U S COAST GUARD SUPPORT CENTER	VA4690310255	G		4000 COAST GUARD BOULEVA	PORTSMOUTH	23703	KIM R WILHELM, LCDR	(804)-483-8502
U S COMMERCE DEPT. PATENT OFF.	VA2470030025	G		FILE REPOSITORY 1232 S.	ARLINGTON	22202	GAIL WILSON	(703)-486-8307
U S DOD - CAMP PERRY	VA1170024618	Q		INTERSECTION I-64 & RT 1	WILLIAMSBURG	23185	JIM ALLEN	(804)-229-2121
U S DOD - DGSC - BELLWOOD	VA2971520751	S/T		JEFFERSON DAVIS HWY	RICHMOND	23297	WILLIAM SADDINGTON	(804)-275-3781
U S DOD DEFENSE PRINTING SERV.	VA2212290021	G		RM3E854 THE PENTAGON	ARLINGTON	20301	GERALD TURNER	(202)-695-9566
U S DOE C.E.B.A.F.	VA7750030038	Q		1287B JEFFERSON AVE	NEWPORT NEWS	23606	NEIL MORGAN	(804)-247-8489
U S EPA VINT HILL FARMS STA.	VA7690590024	G		BLDG. 166 VINT HILL FARM	WARRENTON	22186	DOUGLAS SHARP	(703)-349-8970
U S EPA VINT HILL FARMS STA.	VA3211220931	N		VINT HILL FARMS STATION	WARRENTON	22186	ROBERT T. IRVING	(703)-347-6461
U S FAA WASHINGTON NAT'L AIRPO	VA4630530019	N		WASHINGTON NATIONAL AIRP	ALEXANDRIA	20301	WILLIAM BUCKWITZ	(703)-557-2656
U S FEDERAL PRISON IND.	VA1151411305	G		FEDERAL CORRECTION INSTI	PETERSBURG	23804	ARLIN ANDERSON	(804)-733-7881
U S GEOLOGICAL SURVEY	VA8470220102	G		12201 SUNRISE VALLEY DRI	RESTON	22092	GARY KRAMER	(703)-648-7556
U S GSA SUPPLY CENTER	VA8478090004	J		7737 HAMPTON ROAD	NORFOLK	23505	KEN LATTA	(804)-441-6512
U S MARINE CORPS	VA1170024722	S/T		MARINE CORPS DEVELOPMENT	QUANTICO	22134	JAMES A. MARSH	(703)-640-2221
U S NASA LANGLEY RESEARCH CTR	VA2220025053	Q		MAIL STOP 409	HAMPTON	23665	V W MESSELL	(804)-865-2964
U S NASA WALLOPS ISLAND	VA8922010763	G		HEALTH & SAFETY OFFICE	WALLOPS ISLAND	23337	JOE LETOURNEAU	(201)-336-7444
U S NATIONAL WILDLIFE REFUGE -	VA9140603148	Q		ASSATEAGUE ISLAND	CHINCOTEAGUE	23336	ROBERT WILSON	(804)-336-6122
U S NAVY - ARLINGTON CTR/OCA	VA7170030032	Q		8TH & SOUTH COURTHOUSE R	ARLINGTON	22204	JOYCE BELLAMY	(202)-692-8493
U S NAVY - CRANEY ISLAND FUEL	VA8170030035	N		CEDAR LANE	CHURCHLAND	23702	OTTO NAUMANN	(804)-444-2715
U S NAVY - DRUG SCREENING LAB	VA8170230021	Q		BLDG S-33 NAVAL AIR STAT	NORFOLK	23511	LEROY MELL	(804)-444-4779
U S NAVY - NAVAL SUPPLY CENTER	VA6402604207	N		BLDG W322 NSC	NORFOLK	23512	NAUMANN OTTO DEPUTY	(804)-444-2853
U S NAVY - SHIPYARD SOUTH GATE	VA9170230022	G		NORFOLK NAVAL SHIPYARD C	PORTSMOUTH	23709	JAMES STRICKLAND	(804)-396-3492
U S NAVY - SYSTEMS PROGRAM OFF	VA0921737661	G		1931 JEFF DAVIS HWY CM 0	ARLINGTON	22202	SALLY CLINE	(202)-695-7123
U S NAVY AND MARINE CORP RESER	VA5170232235	F	F	5321 BARNES AVE	ROANOKE	24019	JAMES JOHN	(703)-563-3703
U S NAVY COMMUNICATION AREA	VA9170220489	Q		RADTRANSFAC DRIVER	SUFFOLK	23434	CARL BRASHEAR	(804)-484-1252
U S NAVY FLEET COMBAT TRAINING	VA5170222938	Q		DAM NECK	VIRGINIA BEACH	23461	STANLEY HOLLAND	(804)-433-6254

E CODES: G = Generator Q = Small-Quantity Generator (C = Cond. Exempt) J or N = Non-generator T = Transporter S/T = Storage/Treat Facility
Codes beginning with F, O, B = Waste Fuel/Oil Generator, Marketer, or Burner

EXHIBIT 1

08/03/90 VIRGINIA HAZARDOUS WASTE ACTIVITY NOTIFIERS

HANDLER	EPAID #	TYPE(S)		ADDRESS	CITY	ZIP	CONTACT	PHONE
U S NAVY NAVAL AIR STATION	VA2170024686	S/T		U S NAVAL AIR STATION DC	VIRGINIA BEACH	23462	TERRY BERGLUND	(804)-433-2229
U S NAVY NAVAL AMPHIBIOUS BASE	VA5170022482	S/T		LITTLE CREEK	NORFOLK	23521	WILKIE DIN	(804)-464-0564
U S NAVY NAVAL BASE	VA6170051463	S/T	T	BUILDING NC6 NAVAL STATI	NORFOLK	23511	S.L. GIBSON	(804)-444-1902
U S NAVY NAVAL SECURITY GROUP	VA5170027267	G		NAVAL SECURITY GROUP ACT	CHESAPEAKE	23322	KEVIN MOREY	(804)-421-8303
U S NAVY NAVAL WEAPONS STATION	VA0170024178	S/T		NAVAL WEAPONS STATION	YORKTOWN	23691	J. T. LESTER, Jr.	(804)-887-4651
U S NAVY NAVSEACENLANT	VA4170090081	N		ST. JULIENS CREEK ANNEX	PORTSMOUTH	23702	HOWARD FAULK	(804)-393-7434
U S NAVY NORFOLK NAVAL SHIPYAR	VA1170024013	S/T	T	CODE 410 H BLDG N32 PUB.	PORTSMOUTH	23709	WILLIAM W DIN	(804)-396-3490
U S NAVY NSC FUEL DIVISION	VA7170022472	N		N52 NAVAL SUPPLY CENTER	NORFOLK	23512	WAUMANN, OTTO DEPUTY	(804)-444-2893
U S NAVY NSC CHEATHAM ANNEX	VA3170024685	Q	OFI	CHEATHAM ANNEX	WILLIAMSBURG	23187	CHICK SALYER	(804)-887-7373
U S NAVY REGIONAL MEDICAL CENT	VA6170024618	Q		U S NAVY REGIONAL MEDICA	PORTSMOUTH	23708	M. THOMAS PERRY	(804)-398-5826
U S NAVY ST. JULIENS CREEK ANN	VA5170090181	S/T	N	NORFOLK NAVAL SHIPYARD	PORTSMOUTH	23709	WILLIAM W DIN	(804)-396-3490
U S NAVY SURFACE WARFARE CTR	VA7170024684	S/T	T	U S NAVY SURFACE WARFARE	DAHLGREN	22448	EDWARD GLENGINSKI	(202)-394-1421
U S NOAA ATLANTIC MARINE CTR	VA1131414589	Q	06	439 WEST YORK STREET	NORFOLK	23510	JIM CONRAD	(804)-441-3625
U S POSTAL SERVICE	VA7160090038	G		8403 LEE HIGHWAY	MERRIFIELD	22082	J W HUNTER	(703)-641-7023
U S POSTAL SERVICE - VEH MAINT	VA8162590029	G		2300 DUKE STREET	ALEXANDRIA	22314	JOHN GRAY	(703)-549-0610
U S POSTAL SERVICE - VEH MAINT	VA7180000104	Q		8409 LEE HIGHWAY	MERRIFIELD	22081	WAYNE COREY	(703)-698-6544
U S POSTAL SERVICE - VEH MAINT	VA2160560027	Q		600 CHURCH STREET	NORFOLK	23501	M. SANDERS	(804)-629-2218
U S POSTAL SERVICE - VEH MAINT	VA5180228148	G		600 CHURCH STREET	NORFOLK	23501	PATRICIA SNOW	(804)-629-2258
U S VA - MEDICAL CENTER	VA7260030016	Q		1970 BOULEVARD	SALEM	24153	DON S GILLISPIE	(703)-982-2463
U S VET ADMIN MEDICAL CTR	VA3362010323	Q		1201 BROAD ROCK BOULEVAR	RICHMOND	23249	LEV BLONAROVYCH	(804)-231-9011
U S VIRGINIA AIR NAT'L GUARD	VA8572950202	Q	T	BEULAH ROAD	SANDSTON	23150	MAJOR WHITT	(804)-222-9884

FE CODES: G = Generator Q = Small-Quantity Generator (C = Cond. Exempt) J or N = Non-generator T = Transporter S/T = Store/Treat Facility; Codes beginning with F, O, B = Waste Fuel/Oil Generator, Marketer, or Burner

EXHIBIT 2
Page 1

FEDERAL FACILITIES: ACTIONS/ORDERS

1. US Army Engineer Center and Fort Belvoir: DWM staff inspected Fort Belvoir on 12/15/87 and noted violations including unpermitted storage, failure to properly close "interim status" areas, failure to revise "Part A", and failure to maintain inspection logs. On 3/24/88, DWM staff met with representatives of Fort Belvoir to discuss a draft enforcement order addressing these issues. Fort Belvoir provided information related to some of these violations. By letter dated 4/13, a revised draft order was sent to Fort Belvoir. By letter dated 4/26, Fort Belvoir provided a closure plan for one of the areas of concern. By letter dated 5/20, Fort Belvoir responded to the revised draft order. By letter dated 6/9, DWM responded to the 3/10 revised Part A section dealing with the noncontiguous waste explosive storage area and reminded Fort Belvoir that the Part B for this area as well as the other interim status areas would be due 11/8/88. On 7/5, DWM staff joined EPA personnel for a site visit. DWM staff noted that the waste which had been stored for >90 days in the "600" series buildings had been sent for disposal and the buildings were clean. During a 6/14 inspection of Fort A P Hill, DWM staff noted that Fort Belvoir was shipping waste ordinance to Fort A P Hill without a manifest. During the 7/5 visit, DWM staff told Fort Belvoir to cease this practice. This will be included in the next draft of the pending order. (Steve Frazier)

2. US Army Fort Eustis (Newport News): On 4/14/88, DWM staff met with representatives of Fort Eustis to discuss a draft order covering unpermitted storage of hazardous waste. Based on this discussion, DWM revised the draft and sent it to Fort Eustis by letter dated 5/9. On 5/25, DWM received concurrence on the order from Fort Eustis. The order will be advertised on 8/15 and the public comment period will end on 9/15. (Bill Sarnecky)

3. US Marine Corps Education and Development Command (Quantico): On 4/28/88, DWM staff met with representative from Quantico to discuss violations of hazardous waste regulations noted during 1/13 and 3/18 inspections. Some of these violations constituted a violation of the 5/14/87 Compliance Order. This meeting was in lieu of a formal hearing for revocation of Quantico's "interim status". Quantico provided information regarding actions taken to comply with the regulations and some problems encountered. DWM provided a draft order for discussion. Quantico requested clarification of the quantity of waste allowed in "satellite" accumulation areas and requested use of a new building not covered by "interim status" as a better storage facility. This building was included in the Part B submitted to DWM on 3/18. By letter dated 4/16, Quantico

submitted additional information indicating correction of most of the deficiencies noted on 1/13. On 7/13, DWM staff joined EPA personnel to visit the site. DWM staff noted that Quantico had continued to take action to correct deficiencies and to maintain compliance with the regulations. DWM will revise the draft order to reflect these actions and provide it to Quantico for comment. (Steve Frazier)

4. US Naval Base (Norfolk): On 4/21/88, DWM staff met with representatives of the Base to discuss unpermitted and excessive storage and other hazardous waste management practices at the Base. DWM's follow-up inspection of 3/9 indicated that the Base had corrected most violations noted at an earlier inspection. Although the Base had taken measures to address the unpermitted storage, a backlog remained. In addition, one of the "interim status" locations (LF-68) at the Base was adjacent to a busy helicopter pad. The Base requested DWM to allow it to move into a new storage building (LP-159) and close out this area. This new structure is not covered by "interim status" but will be included on the Part B to be submitted the end of 1988. Because of the serious nature of the potential problems posed by the location and construction of LF-68, DWM drafted an order allowing for storage in LP-159 and requiring closure of LF-68. This draft was provided to the Base for comment by letter dated 6/22. On 7/19-21, DWM staff conducted the annual inspection of the Base. The Base had corrected some of the problems noted on 3/9 but still had deficiencies in its "satellite" and generator accumulation areas related to waste identification, labeling, and inspection logs. (Steve Frazier)

5. US Naval Amphibious Base-Little Creek (Norfolk): On 4/8/88, DWM staff met with representatives of Little Creek to discuss closure of a waste pile created without benefit of "interim status" or a permit. Several potential courses of action were discussed at the meeting and DWM staff provided additional information during a subsequent teleconference. DWM staff has continued to work with Little Creek in developing a satisfactory sampling procedure to determine the extent of clean-up which will be required. When DWM is satisfied that it has enough information, an order will be drafted requiring this sampling and specifying a timeframe by which clean-up activities must be completed. (Terri Cross)

6. US Naval Air Station-Oceana (Virginia Beach): On 11/17/87, DWM staff inspected Oceana and noted violations of the regulations including unpermitted storage, storage of unknown and/or uncharacterized wastes, inadequate closure plan, and failure to replace/overpack containers in poor condition. On 3/17/88, DWM staff met with Oceana's representatives to discuss a

draft enforcement order covering these violations. During this meeting Oceana provided information related to some of these violations and asked to move its storage from its current "interim status" location on bare ground to a newly constructed building not covered by "interim status". At that time, DWM staff indicated that this decision would be made by the Executive Director. By letter dated 4/15, Oceana provide information indicating that the violations covered by the draft order had been resolved. However on 6/29, DWM staff and EPA jointly visited the site and noted continuing deficiencies related to waste identification, labeling, and inspections/logs. DWM's revise draft of the order will reflect Oceana's correction of some problems but will also note those still prevalent. (Steve Frazier)

7. US Naval Shipyard (Norfolk): On 4/26/88, DWM staff met with representatives from the Shipyard to discuss unpermitted and excessive storage and other hazardous waste management practices at the Shipyard. DWM's inspection of 3/8 indicated that the Shipyard had tremendously improved its waste management practices and was aggressively correcting the unpermitted and excessive storage problems noted during a joint EPA-DWM inspection in 1986. During the meeting, Shipyard staff provided additional information on its continuing activities to comply with the regulations. On 6/28, DWM staff visited the Shipyard and noted continuing improvement, especially with regard to the very large backlog of drums which had been noted in the 1986 joint inspection. DWM staff noted that the Shipyard had corrected many of the problems at the point of generation with regard to waste identification and segregation. DWM staff noted that the continuing improvement in Shipyard personnel training and a proactive approach to hazardous waste management activities by the Base Commander has been responsible for the dramatic program turnaround. (Steve Frazier)

8. US Naval Shipyard-St Julien's Creek Annex (Norfolk): On 3/8/88 DWM personnel inspected St. J's and noted progress in complying with the regulations. These were discussed at the 4/26 meeting w/the Shipyard noted in #7 above. At this meeting, naval personnel provided a large packet of information addressing these issues. DWM staff reviewed this material and visited the site on 6/30 with EPA personnel. St. J's had greatly reduced problem areas and had improved overall handling of hazardous waste. (Steve Frazier)

9. US Naval Weapons Station (Yorktown): On 11/18/87, DWM staff inspected Yorktown and noted violations of the regulations including unpermitted storage, storage of unknown and/or uncharacterized wastes, inadequate aisle space, failure to

maintain adequate inspection logs for generator accumulation and storage areas, and failure to replace/overpack containers in poor condition. On 3/17/88, DWM staff met with representatives of Yorktown to discuss a draft enforcement order covering these violations. Yorktown provided information related to some of these violations including its difficulty in getting the residues from its open burning of explosives tested. This has created its excessive storage problem. DWM staff provided information regarding possible experts in this area and laboratories which may be able to handle this type of testing. By letter dated 4/1, Yorktown provided information indicating that it had corrected some of the violations noted and described actions it was taking to correct others. DWM revised the draft order accordingly and sent it to Yorktown by letter dated 4/13. On 5/13, Yorktown requested a meeting with DWM staff to provide additional details regarding its actions and timeframes to complete them. On 5/20, DWM staff met at Yorktown and reached basic agreement on timeframes necessary for Yorktown to complete its waste analysis program and to provide for proper disposal of materials. Accordingly, DWM revised the draft order and provided it to Yorktown for comment by letter dated 6/24. (Steve Frazier)

10. US Army Fort A P Hill (Bowling Green): On 6/14/88, DWM staff conducted an inspection of A P Hill and noted that unmanifested waste ordinance had routinely been accepted from Fort Belvoir for thermal treatment. A P Hill has interim status for this activity but has failed to maintain operating records required for off-site facilities. On 7/6, DWM staff and EPA personnel jointly visited the site. Violations noted during the 6/14 inspection had not yet been completely corrected and DWM staff noted several drums of unidentified material in a wooded area. A P Hill was directed to remove these drums, identify the contents, and arrange for proper disposal. DWM has drafted a letter to A P Hill tentatively scheduling a meeting on 8/30 to address the deficiencies noted above. (Steve Frazier)

11. US Naval Surface Warfare Center (Dahlgren): On 6/28/88, DWM staff inspected Dahlgren and noted violations including 1) failure to indicate "hazardous waste" on containers, 2) failure to maintain inspection logs at Building 408, 3) failure to properly stack cardboard containers of waste explosives resulting in the partial collapse of one container, and 4) accumulation of hazardous waste >90 in generator accumulation areas. DWM is drafting a letter tentatively scheduling a meeting on 8/25 to address these violations. (Ed Lanford)

EXHIBIT 3

Report on Federal Installations in Virginia - Hazardous Waste Sites Under the Installation Restoration Program

Summary

Facilities in Restoration Program*	33
Sites in Restoration Program*	113
Sites where some problems identified to date	89
Sites with unknown contamination	7
Sites with no apparent problems or cleaned up	17
Sites with RI/FS in progress or completed	24
Sites where cleanup planned at this time:	9

1. Fort A. P. Hill - Dioxin incinceration
2. Langley AFB - UST removal and groundwater cleanup
3. Quantico (Marine Corps) - possible PCB removal action
4. Driver - PCB contaminated soil removal
5. Norfolk Naval Base - PCB contaminated soil removal
6. DGSC - soil and groundwater cleanup

* There appear to be numeróus other sites where an initial survey identified a possible problem but no further studies have been done (an initial PA eliminated them from consideration - some were formally dropped from the Restoration Program). Several listed in the Restoration Program where this is known to be the case are Callaghan NG, VA Beach NG, and Richlands NG. The Restoration Program also lists Radford AAP as an installation but this is strictly a RCRA site. The Restoration Program Annual Report to Congress for fiscal year 1987 list 159 sites in Virginia and 35 installations. This information appears to be outdated.

Note: Many sites also have leaking USTs that are not in the Restoration Program and are not included in this report.

EXHIBIT 3

National Guard

Facility	Problem	Status
Byrd Field Army Division Support Facility	Under Investigation	Initial Study Planned
Byrd Field Organizational Maintenance Shop (OMS)	Under Investigation	Initial Study Planned
Ft. Pickett Mobilization and Training Equipment Site	Under Investigation	Initial Study Planned
Danville OMS	Under Investigation	Initial Study Planned
Norfolk OMS	Under Investigation	Initial Study Planned
Portsmouth OMS	Under Investigation	Initial Study Planned
National Guard VA Beach (Camp Pendleton)	Under Investigation	Initial Study Planned

Above studies to be performed by Argonne National Lab

EXHIBIT 3

Army

Facility	Problem	Status
Fort A. P. Hill		
1. Hdqts. POL Area and Warehouse	DDT in soil, small amount in groundwater	Soils removed - completed Nov. 87
2. Entomology Bldg.	DDT, chlordane in soil	RI/FS in progress
3. Bldg. 225	Dioxin in soil	Incineration planned for Nov. 88 (tentative)
Note: A possible 49 leaking USTs identified at Fort A. P. Hill		
Fort Belvoir		
1. Abandoned Underground Storage Tank (UST) leak	Various wastes placed in the tank; volatiles in groundwater	Advanced PA/SI complete
Fort Eustis		
1. #1 Landfill	No major problems	PA/SI complete
2. #7 Landfill	Volatiles including benzene in groundwater; contamination from nearby leaking fuel line	RI/FS underway
3. #15 Landfill	Metals found in groundwater, PCBs in sediment	RI/FS underway
Fort Story		
1. Landfill	No major problem	Geohydrology study completed
2. Woodbridge Research Facility	Buried transformers and capacitors with PCBs	Excavation and removal of soils completed Mar. 85
Defense Logistics Agency		
Defense General Supply Center NPL site with 3 operable units and 5 sites; cleanup under RCRA	Numerous solvents and metals in groundwater, soils with numerous organics	Phase III of RI/FS underway; monitoring well installation and soil collection; no remedial action to date

EXHIBIT 3

Air Force

Facility	Problem	Status
Langley AFB 1. Flight Line Fuel System; abandoned USTs 24-25,000 gallons ea	Unsure of contents; benzene and other volatiles in groundwater	Tanks soon to be removed; groundwater cleanup in design stage
2. Entomology Site	No serious problems	Building scheduled for destruction
3. Old Landfill	No serious problems	Monitoring continuing
Byrd Air National Guard 1. Abandoned aviation gas USTs 8-20,000 gallons ea	Unknown if leaking	Environmental firm contracted for recommendations

EXHIBIT 3

Navy - Chesapeake Division

Facility	Problem	Status
Quantico Marine Corps Combat and Development Command*		
1. #1 Pesticide Burial Area	One time disposal of various pesticides	RI underway
2. #4 Old Landfill	PCBs in soil	RI underway, removal action being considered
3. #5 Old Batch Plant	PCB transformer storage	RI underway
4. #7 Landfill	Volatiles organics	RI underway
5. #17 Arsenic Burial Area	Arsenic	RI underway
6. #18 Aero Club	Chlorinated Solvents	RI underway
7. #19 Fire Training Area	Hydrocarbons in soil	RI underway

* Note: All 7 sites are being assessed under one RI

Dahlgren Naval Supply Weapons Center*		
1. #9 Disposal/Burn Area	No major problems	RI completed
2. #10 Hideaway Pond	Small amount of Mercury in Fish	RI completed
3. #17 1400 Area	No major problems	RI completed
4. #12 Chemical Burn Area	No major problems	RI completed
5. #19 Transformer Draining Area	Low levels of PCBS in soil	RI completed
6. #25 Pesticide Rinse Area	DDD in soil and trace in groundwater; Dieldrin in soil	RI completed

* All 6 sites were assessed under one RI

EXHIBIT 3

Navy - Atlantic Division

Facility	Problem	Status
Dam Neck Fleet Combat Training Center		
1. #1 Regulus Ave. Landfill	Heavy metals in groundwater	RI/FS proposed
2. #6 Former Pesticide Shop	Common Pesticides	RI/FS proposed
3. #2 Former Transformer Storage Area	No serious problems found	PA/SI completed
4. #5 Public Works Disposal Area	No serious problems found	PA/SI completed
Oceana Naval Air Station		
1. #1 West Woods Oil Pit	Hydrocarbons in soil and groundwater	PA/SI complete
2. #2a-2e Line Shack Areas	Solvents, oily wastes, volatiles in sediments, groundwater	PA/SI complete
3. #7 Fifth Green Landfill	No serious contamination found	PA/SI complete
4. #8 North Station Landfill	No serious contamination found	PA/SI complete
5. #6 Navy Exchange Maintenance Building	Hydrocarbons in soil	PA/SI complete
Little Creek Naval Amphibious Base		
1. #7 Landfill	Metal, solvents, pesticides in groundwater	PA/SI complete
2. #9 Driving Range Landfill	Low conc's of zinc in groundwater	PA/SI complete
3. #10 Sewage Treatment Plant Landfill	Low metals, volatiles in groundwater	PA/SI complete
4. #11 Plating Shop	Low volatiles in groundwater	PA/SI complete
5. #12 Laundry Waste Disposal	Volatiles in sediments and surface water	PA/SI complete

EXHIBIT 3

Facility	Problem	Status
6. #13 Public Works Dept. - PCP Dip Tank and Wash Rack	Volatiles in groundwater	PA/SI complete
Driver Naval Radio Station		
1. #1 Oyster House Creek Landfill	Metals, volatiles and trichlorobenzene in groundwater	PA/SI complete
2. #5 PCB spill at Star Creek	PCB in soil to 15,000 ppm	RI/FS completed, remedial action planned
3. #8 Service Station gasoline leak	Gasoline, hydrocarbons, lead in soil	PA/SI complete
Cheatham Annex Naval Supply Center		
1. #1 Landfill near incinerator	Heavy metals in groundwater, some hydrocarbons	PA/SI complete
2. #9 Transformer Storage Area	Low amount of PCBs in soil	PA/SI complete
3. #11 Bone Yard	Volatiles and base-neutrals in soil, low volatiles in groundwater	
Yorktown Naval Supply Center Fuels Division		
1. #31 Abandoned Fuel Oil Tanks	Volatiles and free floating fuels in groundwater, PAHs in soil	RI/FS in progress
2. #27 Fuel Pit	Low level of contam., possibly from area #31	PA/SI complete
3. #13 Sludge Farm	PAHs, lead in soil, low volatiles, lead in groundwater	PA/SI complete
4-16. #14-#26 Tank Bottoms Disposal Areas	Same as #13 Sludge Farm	PA/SI complete
Commander - Naval Base Norfolk (4 facilities under this group)		
1. #1 Camp Allen Landfill	Heavy metals, volatiles in groundwater, volatiles in surface water	Advanced PA/SI completed, RI/FS proposed

EXHIBIT 3

Facility	Problem	Status
2. #2 NM Area Slag Pile	Heavy metals in soil	PA/SI completed
3. #3 Q Area Drum Storage Yard	Volatiles in soil, groundwater	PA/SI completed
4. #4 Transformer Storage Area	PCBs in soil	RI/FS done, remedial design to begin soon
5. #5 Pesticide Disposal Site	DDT, DDE in soil	PA/SI completed
6. #6 CD Landfill	Low levels metals in surface water	PA/SI completed
Yorktown Naval Weapons Station		
1. #1 Dudley Rd. Landfill	Low volatiles and metals in groundwater	PA/SI completed
2. #3 Group 16 Magazine Landfill	Low volatiles and metals in groundwater	PA/SI completed
3. #11 Abandoned Explosives Burning Pit	Low volatiles and metals in groundwater	PA/SI completed
4. #17 Holm Rd. Landfill	Low volatiles and metals in groundwater	PA/SI completed
5. #2 Turkey Rd. Landfill	Low volatiles and metals in groundwater	PA/SI completed
6. #4 Burning Pad Residue Landfill	Explosive (RDX), heavy metals in groundwater	PA/SI completed
7. #6 Explosive Contam. Wastewater Impoundment	Low volatiles in surface water, nitro-toluenes, HMX in sediments	PA/SI completed
8. #7 Plant 3 - Explosives Contam. Wastewater Discharge Area	Low volatiles, explosives in surface water, explosives and low volatiles in sediments, soil	PA/SI completed
9. #8 NEDED Explosives Contam. Wastewater Discharge Area	Low volatiles in surface water and sediment	PA/SI completed
10. #9 Bldg. 10 Explosive Area	Volatiles, explosives, PAHs in soil	PA/SI completed
11. #19 Bldg. 10 Explosive Area	Volatiles, explosives, PAHs in soil	PA/SI completed

EXHIBIT 3

Facility	Problem	Status
12. #12 Barracks Rd. Landfill	Metals, explosives, PCE in groundwater, explosives metals in surface water, volatiles metals, PAHs in sediment	PA/SI completed
14. #18 Bldg. 476 Discharge Location	Low metals, volatiles in surface water, sediments	PA/SI completed
Norfolk Naval Shipyard		
1-5. #3-#7 Sanitary Landill Area	Many volatiles, high metals, base neutrals in groundwater	PA/SI completed
6. #2 Scot Center Landfill	Low volatiles and metals and groundwater	PA/SI completed
7. #17 Bldg. 195	Metals in soil and low amounts in groundwater	
8. #5 Acetylene Waste Lagoon	Metals in sludge	PA/SI completed
Craney Island Naval Supply Center		
1-5. Lagoons, Land Spreading, Drum Storage and Pipeline Spill	Oils, some volatiles, lead in soils	PA completed, more studies planned
Camp Perry - Armed Forces Experimental Training Activity	No major contamination	PA/SI completed
Portsmouth Naval Hospital (2 sites)	No major contamination	PA/SI completed
Chesapeake NW Naval Security Group Activity	No major problems	PA/SI completed

Prepared By _____ Date _____

Natural Resources
Defense Council

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STATEMENT OF DAN W. REICHER, ESQ.

ON BEHALF OF

THE NATURAL RESOURCES DEFENSE COUNCIL

BEFORE

THE SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL OVERSIGHT

OF THE

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

REGARDING

FEDERAL FACILITY COMPLIANCE WITH CERCLA AND RCRA

August 4, 1988

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Good morning Mr. Chairman and members of the Committee. I am Dan W. Reicher, a Senior Project Attorney with the Natural Resources Defense Council (NRDC). Prior to joining NRDC's staff in 1985, I was an Assistant Attorney General for environmental protection in the Commonwealth of Massachusetts, a law clerk to a federal district court judge in Boston, a staff member of the President's Commission on the Accident at Three Mile Island, and a legal assistant in the Hazardous Waste Section of the U.S. Department of Justice. I am a graduate of Stanford University Law School and Dartmouth College where I studied biology.

NRDC is a national environmental organization with almost 70,000 members and a staff of over 120 lawyers, scientists, resource specialists and support personnel at offices in New York, Washington and San Francisco. NRDC pursues a broad range of environmental, energy and defense issues. The organization has long been concerned about safety and environmental problems at the Department of Energy's (DOE) nuclear weapons facilities. Over the past twelve years, the NRDC Nuclear Project has won a series of lawsuits to enforce federal environmental laws at DOE facilities including Hanford, Washington; Oak Ridge, Tennessee; and the Savannah River Plant, South Carolina.

I have been asked to address the compliance of federal facilities with the two major federal hazardous waste laws: the Comprehensive Environmental Response compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA), and the Resource Conservation and

Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments Act (HSWA). Concern about compliance with these laws arises because federal agencies, especially the Departments of Energy and Defense, have mismanaged hazardous wastes for many decades at their facilities. A September 1986 Government Accounting Office (GAO) study, for example, found that eight of nine DOE facilities studied have ground water contaminated with radioactive and/or hazardous substances to high levels.[1] At the DOE's Savannah River Plant toxic solvents resulting from the reprocessing of spent nuclear fuel have reached the deep Tuscaloosa aquifer, a major water source in the southeastern United States. At the Feed Materials Production Center near Cincinatti, Ohio, DOE wastes have contaminated off-site drinking water wells. At the Hanford Reservation, hundreds of thousands of gallons of highly radioactive chemical wastes have leaked from tanks to the underlying soil. And at the Idaho National Engineering Laboratory, plutonium injected into the ground is migrating toward the Snake River aquifer. According to DOE's own estimates, cleanup of the waste disposal problems at the Department's facilities could cost over $100 billion.

I will address three issues today: (1) the adequacy of model provisions EPA has developed for agreements with federal facilities regarding cleanup under CERCLA/SARA; (2) problems in federal facility compliance with RCRA; and (3) the adequacy and

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[1] GAO, Environmental Issues at DOE's Nuclear Defense Facilities, GAO/RCED-86-192.

availability of funding for DOE RCRA and CERCLA/SARA cleanup obligations.

I. EPA'S MODEL INTERAGENCY AGREEMENT

Section 120(e) of CERCLA/SARA requires that EPA and federal agencies enter into interagency agreements (IAG) "for the expeditious completion ... of all necessary remedial action" at each of a federal agency's facilities on the CERCLA National Priority List. EPA recently developed model language for EPA Regional Administrators to use in reaching IAG's with DOE regarding specific facilities. We find the model IAG to be flawed in numerous respects.

As an initial matter, none of the language is mandatory for EPA-DOE agreements on specific facilities. EPA in a cover memorandum states only that the language "should" be incorporated into IAG's. If the history of EPA-DOE negotiations is any lesson, the requirements actually imposed on DOE in many specific IAG's will be even weaker than under the model language. EPA, as the lead agency in implementing CERCLA/SARA, should have set out the minimum acceptable requirements for an IAG in the model language.

Perhaps the most troubling aspect of the model IAG is the way it attempts to preempt RCRA. The model language is clear that "activities covered by this Agreement will be deemed ... to satisfy the corrective action requirements of [RCRA]...." RCRA's corrective action requirements -- subsections 3004(u) and (v) --

require cleanup of hazardous constituents within, or in some cases, beyond the boundary of a facility seeking a RCRA permit, regardless of when the waste was disposed. Where corrective action cannot be completed prior to permit issuance, the permit "shall contain schedules of compliance for such corrective action...." RCRA section 3008(h) provides for the issuance of a corrective action order when there has been a release of hazardous waste into the environment from a facility operating under interim status pursuant to RCRA section 3005(e). EPA and authorized RCRA states oversee these requirements.

The model language specifies that once an IAG is reached between EPA and DOE, these RCRA requirements are automatically met. Thus, for example, a schedule an authorized state is developing for DOE compliance with RCRA subsections 3004(u) and (v) could be totally supplanted by a schedule worked out under the IAG between EPA and DOE. Moreover, if a RCRA permit is issued to DOE for hazardous waste management, EPA is required, under the model language, to incorporate the relevant IAG provisions, "including appropriate schedules" into such a permit. This is at odds with CERCLA/SARA Section 120(i) which states that "[n]othing in this section shall affect or impair the obligation of any department ... of the United States to comply with any requirement of the Solid Waste Disposal Act [RCRA] (including corrective action requirements)." Moreover, nothing in CERCLA/SARA section 120(e)(2), which governs the IAG process, indicates that such an agreement may supersede the requirements

of RCRA. Congress clearly intended that RCRA's corrective action provisions be given full force and effect at a federal facility also subject to CERCLA/SARA. Unless Congress changes this requirement, an authorized state would be completely within its rights to enforce any and all corrective action requirements whether or not incorporated in an IAG.

The treatment of RCRA under the model provisions reflects the overall thrust of the IAG, which is to ignore the role of affected states. There is but a single reference in all of the model language to a state role and that appears to be either an afterthought or a mistake.[2] Moreover, the model language provides that activities covered by the Agreement will be deemed not only to satisfy RCRA's corrective action requirements but also to "meet or exceed all applicable or relevant and appropriate ... State laws and regulations ...."

Section 120(f), the federal facility section, states clearly that:

> The Administrator and each department... responsible for compliance with this section shall afford to relevant State and local officials the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available and the development of studies, reports, and action plans. In the case of State officials, the opportunity to

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[2] The section of the model language titled "Funding" provides that where appropriated funds are not available to fulfill DOE's obligations under the IAG, "EPA and the State reserve the right to initiate any other action which would be appropriate absent this Agreement." (emphasis added).

> participate shall be provided in accordance with section 121.

Section 121(f) requires that EPA promulgate regulations providing "for substantial and meaningful involvement by each State in initiation, development, and selection of remedial actions to be undertaken in that State."

The failure of the model language to indicate a formal state role -- or any role for that matter -- in the IAG proceedings can only add to the distrust state officials and citizens often have for DOE and EPA regarding environmental compliance at defense facilities. We recognize that EPA has recently stressed the desirability of state involvement in the IAG process, but it was a mistake to have left provisions concerning the state rights and duties out of the model IAG language. Inclusion of such model provisions would not only have facilitated state participation but also formally signalled the importance EPA attaches to state involvement.[3]

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[3] The exclusion of states from the model IAG provisions must be contrasted somewhat with the recent model IAG issued by EPA for Department of Defense (DOD) facilities. Although the IAG is similar in most respects to the IAG for DOE facilities, it does include on page one a place in the heading of the agreement for "[State/Commonwealth of _____]*." The note referred to by the asterisk states:

> DOD and U.S. EPA agree that it is extremely important that states participate in Federal facility cleanups by joining as a Party to these agreements. DOD and U.S. EPA have not attempted to negotiate on behalf of the states in developing these model provisions. DOE and U.S. EPA recognize that state concerns must be addressed at site-specific negotiations and factored into this agreement as appropriate.

The model IAG agreement between EPA and DOE also creates a rather cumbersome process prone to breakdown at a number of points. At almost every step of the way, a disagreement over IAG requirements can trigger an elaborate dispute resolution process slowing or stopping remedial efforts. Under the process, DOE can invoke dispute resolution even for draft documents. Moreover, the IAG allows for "disputes within disputes" to occur, further complicating the IAG process. For example, DOE may invoke the dispute resolution process with respect to both a substantive decision by EPA and EPA's decision to halt DOE work affected by the initial dispute.[4] Similarly, DOE can invoke the dispute resolution process where EPA does not find that good cause exists for an extension of time for a delay caused by the "invocation of dispute resolution...."

The enforceability section of the model language, which is crucial to successful implementation of an IAG, is also problematic. EPA is given "the right to enforce the terms of this Agreement" but, since, under current Administration policy, DOE can't sue to enforce the IAG, this is a somewhat hollow

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Although the EPA-DOD IAG, like the EPA-DOE model language, attempts to supplant RCRA and state authority, it at least formally recognizes some role for states in the IAG process.

[4] This goes beyond the dispute resolution provisions in some existing IAG's. For example, the IAG EPA has entered into with the U.S. Army and Minnesota Pollution Control Agency at the Twin Cities Army Ammunition Plant (TCAPP) does not appear to allow the Army to dispute EPA's decision to halt work during the pendency of a dispute. TCAAP Federal Facility Agreement at XV.

right. Judicial enforcement of the IAG will fall to often understaffed and financially-strapped states and citizen groups.

The stipulated penalties section of the model language does not make up for the lack of authority EPA has to sue and assess penalties against DOE for violations of the IAG. In many cases the stipulated penalty for a violation of the IAG ($5,000 for the first week, $10,000 for each additional week) will end up being less than the penalty would be for the same violation if addressed under CERCLA section 109 ($25,000 for each violation). We are also concerned that a DOE request for an extension of time automatically "toll[s] any assessment of stipulated penalties or application for judicial enforcement of the affected timetable and deadline or schedule...."

The final section of the model language, titled "Funding", contains an unfortunate clause that can derail even the best IAG. It states that "[a]ny requirement for the payment or obligation of funds, including stipulated penalties, by the DOE shall be subject to the availability of appropriated funds...." Essentially, any duty DOE has to comply with requirements in the IAG is voided if funds have not been appropriated by Congress. This even includes the payment of agreed-upon penalties for violation of the terms of the IAG. (The Justice Department takes this requirement one step further forbidding federal agencies, like DOE, from even agreeing to seek funding to comply with the terms of a settlement agreement.) We recognize the statutory limitations on an agency committing to spend money it doesn't

have, but instead of allowing the terms of an IAG to be completely nullified, Congress and DOE should establish a secure multi-year funding source for CERCLA compliance.

II. RCRA COMPLIANCE AT FEDERAL FACILITIES

There is no dispute that RCRA applies generally to federal facilities since the 1984 decision in a case brought by NRDC and the Legal Environmental Assistance Foundation against DOE for RCRA violations at its Y12 Plant in Tennessee. What remains at issue is whether RCRA is to be enforced by EPA, states and citizen groups in the same manner and to the same extent at government facilities as at private facilities. Despite paying great lip service to the need for consistency in the enforcement of RCRA, the Administration, in particular the Justice Department and Departments of Energy and Defense, have thwarted the full application of the law at federal facilities.

RCRA establishes a comprehensive "cradle-to-grave" management system for hazardous wastes. The law imposes requirements upon the generation, transportation, storage, treatment and disposal of hazardous wastes. For the most part RCRA's requirements are implemented through regulations promulgated by EPA. Like other environmental laws, states may be authorized by EPA to administer their own RCRA program.

A violation of RCRA's requirements triggers a comprehensive enforcement scheme. EPA or an authorized state can file a civil action in federal district court. A court may issue a mandatory

or prohibitory injunction and/or assess penalties. Alternatively, EPA or an authorized state can issue an administrative order pursuant to RCRA section 3008(a). The order may require compliance with RCRA and/or assess a civil penalty for any current or past violations of the law or regulations. Additional penalties can be assessed for violation of the compliance order. Where EPA or an authorized state fails to enforce RCRA, affected individuals or groups can sue under section 7002 to enforce the Act's requirements as well as administrative orders.

RCRA section 6001 holds federal agencies to the same substantive and procedural requirements as private industry. It states, in pertinent part, that every agency which manages hazardous or solid waste

> is subject to and must comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirements for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal in the same manner, and to the same extent, as any person is subject to such requirements....[5]

Congress' clear intent under section 6001 that Federal agencies be treated exactly the same as private facilities has been thwarted at every step of the way by the Department of

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[5] Under section 6001 the President may exempt a federal agency from compliance where it is in the "paramount interest of the United States." This provision has rarely been invoked.

Justice along with the Departments of Energy and Defense. Under current Justice Department policy EPA cannot use either of the enforcement mechanisms Congress created under RCRA section 3008(a). EPA cannot sue a federal agency for a RCRA violation. According to Justice, EPA cannot even issue a unilateral administrative order against a federal facility where RCRA has been violated. Instead, the agency is relegated to an informal negotiation process with federal agencies yielding uncertain results. One former Justice Department official stated that the current situation has "essentially limited [EPA] to arm twisting and cajolery with respect to its sister agencies." Justice has also vigorously opposed the ability of courts to assess civil penalties against federal facilities in RCRA suits brought by states and citizen groups.

I would now like to discuss each of these obstacles to RCRA enforcement in more detail.

A. EPA Judicial Enforcement of RCRA

Current Justice Department policy prevents EPA from suing a federal facility for a RCRA violation. The Department stated in late 1985 that none of the relevant case law "provides any support for the conclusion that a court may adjudicate a RCRA ... enforcement action brought by EPA against the Department of Energy (or indeed against any other Executive Branch Agency,

whose head serves at the pleasure of the President)."[6] Justice reiterated this position in April of last year.[7]

Justice's position has eliminated one of the principal tools available to EPA in enforcing RCRA. As EPA recently stated, "Judicial enforcement is only one of the tools that EPA and the states use for inducing compliance, but it is a very important one. Not the least of its virtues is its deterrence value."[8] Justice makes great use of judicial enforcement actions on behalf of EPA to ensure compliance with federal environmental laws. At a hearing last April on federal facility compliance with RCRA, then Assistant Attorney General Habicht pointed with pride, and a bit of irony, to the "unprecedented results" in civil and criminal environmental enforcement cases including "over 1,000 civil cases, and ... hundreds of millions of dollars in civil penalties...."[9] However, under Justice's current policy not a single federal enforcement action nor for that matter one dollar in civil penalties can be directed against even the most egregious RCRA violator if the violator happens to be the federal

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[6] Letter from Assistant Attorney General Bolton to Chairman Dingell, December 20, 1985 cited in "Environmental Compliance by Federal Agencies: Hearing before the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce," 100th Cong., 1st Sess., 10 (1987) (hearing record hereinafter cited as "Energy and Commerce Hearing Record at __").

[7] Energy and Commerce Hearing Record at 210.

[8] "Your Guide to the United States Environmental Protection Agency," EPA, OPA 87-005, May, 1987.

[9] Energy and Commerce Hearing Record at 178.

government. In light of this fact it is not coincidental that the facilities with what may be the most extensive and costly hazardous waste problems -- the Department of Energy nuclear weapons production plants -- are owned by the federal government. The message the government sends to private companies under this double standard is "do as I say not as I do," like the doctor who lights up a cigarette after lecturing his patients on the hazards of smoking.

Justice argues that EPA cannot sue a sister agency because such an action is not "justiciable," i.e. there is not a genuine controversy between the two agencies that is appropriate for judicial resolution. We have reviewed some of the relevant case law and considered the memorandum recently prepared by the American Law Division of the Congressional Research Service (CRS) at the request of Congressman Dingell (D-OH).[10] We find that Justice's position is not supported and agree fully with CRS's conclusion:

> [T]he test established [by relevant case law] grants a court jurisdiction to resolve an intra-branch controversy where the dispute is concrete, involves issues which are traditionally justiciable, and Congress has not barred the action. The decided cases have encompassed the gamut of potential intrabranch litigants, including officers of the United States who are removable at the pleasure of the President. No case has hinted at a distinction between independent regulatory commissions on the one hand and executive officers subject to at-will removal on the other. In view of this current state of the law, and EPA's statutory designation

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[10] Energy and Commerce Hearing Record at 10.

> as the guardian of the public's interest that federal agencies obey the national environmental policy, and empowerment to fulfill that duty, it appears highly likely that a court would take jurisdiction of suit brought by EPA to enforce one of its administrative orders against a sister agency.[11]

Justice argues that enforcement cases brought by states and citizen groups can substitute for federal judicial action. The Assistant Attorney General in charge of the Lands and Natural Resources Division at Justice stated, for example, that "States and citizens' groups have full and plenary authority to go into court and have the courts enforce these requirements."[12] But at the same time Justice has asserted vigorously that the authority of states and citizen groups is neither full nor plenary. About one-fifth of the states are not authorized at all to implement RCRA. Justice has opposed, both formally and informally, the authority of these states as well as citizen groups to enforce state hazardous waste laws against federal facilities despite the language of section 6001. See e.g., State of Ohio v. Department of Energy, C.A. No. C-1-86-0217 (S.D.OH); McClellan Ecological Seepage Situation v. Weinberger, C.A. No. S-86-475-RAR (E.D.CA). Among states which can implement RCRA, many are not yet authorized to enforce substantial portions of the law. For example, only a handful of states are currently authorized to implement the 1984 RCRA amendments including the critical

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[11] Id. at 17 (emphasis added).

[12] Id. at 180.

corrective action provisions. As we discuss below, Justice has also vigorously contested any attempt by states or citizens to have penalties assessed against federal facilities. In reality, then, the legal authority that states and citizen groups have to enforce RCRA has been repeatedly challenged by the Justice Department.

There are also the practical realities of state and citizen enforcement of RCRA. NRDC's action against DOE for RCRA violations at the Savannah River Plant (SRP) illustrates this point. We filed suit, along with three South Carolina and Georgia citizen groups including the Energy Research Foundation, after identifying probable RCRA violations at the facility. We were later joined in the case by the State of South Carolina. We litigated the case intensively for two and one-half years including extensive discovery yielding large quantities of documents. In the end, we reached a settlement of the case that requires DOE to clean up a number of hazardous waste sites under RCRA or equivalent standards. While we are satisfied with the settlement we believe that more expeditious and perhaps more comprehensive results could have been achieved by EPA if the agency had clear enforcement authority against DOE.

EPA generally has greater access to information about a government agency's hazardous waste management practices than a state or citizen group. To this day, despite extensive discovery in the SRP case, we do not believe that we know the full story about the extent of hazardous waste disposal at the facility.

EPA also has a far larger stable of experts to call on for technical information. We simply could not afford all of the experts required to interpret the mountains of information produced in discovery nor all the lawyers required to go after other information DOE withheld.

Finally, EPA is in a better position financially to go the distance often required for successful enforcement against a recalcitrant party like the DOE. We have spent many tens of thousands of dollars litigating the case including attorney time and expert witness fees. As Ohio Attorney General Celebrezze has stated, "if a State feels like it's wrestling a 500-pound gorilla when it takes on one of these Federal facilities without the assistance of U.S. EPA, I would submit to you there are going to be very few citizens or citizen groups ... that are going to come close to having the resources to do this type of thing."[13] NRDC is one of a handful of citizen groups with the resources to litigate a major RCRA enforcement action against the government. Even so we were stretched thin in the Savannah River Plant case.

Contrary to prevailing belief, suits between federal government agencies are not at all uncommon. The CRS memorandum referenced above cites intragovernmental litigation involving a great variety of government agencies including the Department of Agriculture, Department of Interior, Interstate Commerce Commission and the Federal Maritime Commission. There are even

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[13] Energy and Commerce Hearing Record at 151.

examples, not cited by CRS, of one federal agency suing another to enforce a federal environmental law. In a fairly recent case, for example, the Department of Commerce, along with an Indian tribe and environmental group, sued the Federal Energy Regulatory Commission (FERC) successfully to force FERC to prepare an Environmental Impact Statement prior to the relicensing of a hydropower dam. Confederated Tribes and Bands v. FERC, 746 F.2d 466 (9th Cir. 1984). In the case the Department of Commerce was represented by the Justice Department and FERC by its General Counsel.

Ideally, EPA would seize the reins and bring enforcement cases against federal violators of RCRA. It is clear, however, that this is not going to happen under the current administration. Legislation is necessary to rectify this situation.

B. Administrative Orders

The Justice Department has not only eliminated EPA's authority to sue but also its other major enforcement tool against federal facilities -- the ability to issue unilateral enforcement orders for RCRA violations. In testimony in April, 1987 before the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce, the Assistant Attorney General in charge of the Justice Department's Lands and Natural Resources Division stated that "Executive Branch agencies may not sue one another, nor may one agency be ordered by another

to comply with an administrative order without the prior opportunity to contest the order within the Executive Branch."[14] Under this view, EPA cannot unilaterally order a federal agency to comply with RCRA pursuant to section 3008(a).

Justice advances both statutory and constitutional arguments to support its position. According to the Department, section 3008(a) compliance orders are means of enforcing RCRA requirements, not "requirements" themselves under the RCRA federal facility provision, section 6001. Therefore, since federal facilities are only subject to "requirements" under section 6001 they are not subject to section 3008(a) compliance orders issued by EPA. Justice also contends that because the definition of person in Section 1004(15) does not include the federal government, section 3008(a), which refers to "any person" who has violated a RCRA requirement, is inapplicable.

According to Justice, unilateral administrative orders also run afoul of the Constitution because legal disputes between two Executive Branch agencies whose heads serve at the pleasure of the President are properly resolved by the President or by someone with authority delegated by the President, e.g. the Attorney General or the Office of Management and Budget. According to Justice, this authority to resolve intra-branch disputes in the first instance flows from the President's duty under Article II of the Constitution to "take care that the Laws

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[14] Energy and Commerce Hearing Record at 210 (emphasis added).

[are] faithfully executed." Justice argues that this authority also is also derived from the Framers' intent that the executive power of the United States be exercised in a "unitary and uniform" way.[15]

Justice has brandished this new-found "theory of the unitary executive," as well as its statutory arguments, in an attempt to eliminate the only other tool available to EPA to enforce RCRA against federal agencies. And Justice, along with DOE and DOD, has apparently pressured EPA into accepting this position despite the conclusion of the EPA General Counsel that unilateral administrative orders are legal. EPA has now resigned itself to an informal negotiation process with the offending federal agency. According to a recent EPA memorandum, the agency will issue a Notice of Noncompliance (NON) to a federal facility violating RCRA. EPA will then attempt to negotiate a Federal Facility Compliance Agreement (FFCA) to resolve the compliance problems outlined in the NON.

Justice's position on administrative orders is completely at odds with Congress' intent under RCRA, settled Constitutional doctrine, EPA's long-standing enforcement practices, and important public policy principles. Moreover, the informal negotiation process that would replace EPA's order authority is inadequate.

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[15] Energy and Commerce Hearing Record at 208.

In RCRA section 6001 Congress clearly stated its intent that federal facilities be subject to RCRA "in the same manner and to the same extent as any person...." As a federal magistrate noted in a pending RCRA enforcement action against the Navy:

> An intelligent person reading [section 6001] would think the message plain: federal facilities will be treated the same as private institutions so far as enforcement of the solid waste and hazardous waste laws are concerned. Indeed, if legislation is considered the means by which the Congress communicates its wishes to the courts and to the country, it is hard to imagine clearer language short of listing every possible variation of such requirements[16]

As noted above, EPA's General Counsel has concurred: "We believe that authority [to issue section 3008 orders] is clearly provided under the Act...."[17] Justice, however, has resisted RCRA's plain meaning, relying instead on legal gymnastics that would score perfect 10's for their boldness and creativity.

CRS, in an exhaustive review of Justice's constitutional claims, concluded that they lacked support:

> [T]he "take care" clause says only that the President "shall take care that the laws be faithfully executed," regardless of who executes them -- arguably a duty quite different from the claim of a single-handed responsibility for executing all the laws. A literal reading of the "take care" clause seems to confirm the President's duty to ensure that officials obey Congress' instructions; it does not seem to create a presidential power so great that it can be

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[16] State of Maine v. Department of the Navy, C.A. No. 86-0211P, "Recommended Decision on Defendant's Motion for Partial Summary Judgment," November 16, 1987 at 3.

[17] Energy and Commerce Hearing Record at 405.

> used to frustrate statutory congressional intention. In the words of the Kendall Court, where a valid duty is imposed upon an executive officer by the Congress, "the duty and responsibility grow out of and are subject to the control of the law, and not the direction of the President." Indeed, similar presidential claims of broad substantive authority deriving from the "take care" clause have been consistently rejected by the courts since Kendall.
>
> This understanding that the President is legally responsible for seeing that congressional enactments are carried out also serves to diminish substantially the Executive's related argument that, since he is the only official elected by all the people, he must be accountable to the people for actions of all executive agencies. The contention confuses political accountability with legal responsibility.[18]

Justice's position on administrative orders also flies directly in the face of long-standing EPA practices. As of April 1987 EPA had issued some 151 unilateral administrative orders to 13 federal agencies without objection from the Justice Department.[19] As CRS notes:

> Arguably, then, the administrative order authority is deemed an important part of the enforcement scheme by both Congress and the primary enforcement agency, and its extensive use in the past, at least, has apparently not resulted in such a significant degree of disruption of the target agencies, or the overall coordination efforts of the Executive, to require Presidential interdiction.[20]

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[18] Energy and Commerce Hearing Record at 81-83.

[19] Id. at 77-78.

[20] Id.

Finally, public policy considerations dictate that EPA have administrative order authority against federal agencies. EPA began using formal enforcement orders instead of compliance agreements under RCRA in 1985 because compliance "wasn't very good" according to Gene Lucero, then Director of EPA's Office of Waste Programs Enforcement.[21] According to Mr. Lucero, an order sends an "important signal to the Federal agency that swift action is necessary."[22] An administrative order is also enforceable by states and citizen groups. Mr. Lucero stated:

> We always felt both for private parties as well as for Federal facilities, that you had to have a process that was enforceable, especially in the case of Federal facilities where EPA can't take the party to court, based on the advice from the Department of Justice, there needed to be a mechanism where someone else in the case of a disagreement or the fact that there was non-compliance, could at least raise that issue to get the attention of the agency towards compliance.[23]

The Federal Facility Compliance Agreement (FFCA) process that would replace EPA's order authority represents a return to just the sort of enforcement scheme EPA found to be ineffective a few years ago. The FFCA process relies for the most part on good faith negotiation between EPA and the federal violator. The sad truth is that federal agencies like DOE have a long history of thumbing their noses at EPA. And the fact of the matter is that

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[21] Id. at 257.

[22] Id. at 258.

[23] Id.

they are often supported by the Administration. Assuming the federal facility does sit down at the negotiation table there are simply no time limits on the process. The FFCA guidance document is totally silent on how much time EPA and the federal agency can take in reaching a FFCA. The process encourages the foot-dragging that has so typified federal facility compliance with RCRA.

Assuming EPA and a federal facility can reach agreement on compliance issues it is not certain whether the agreement will be enforceable. EPA's FFCA guidance document is not clear that enforceability language must be included in every FFCA. And although EPA provides enforceability language in the guidance document it is only "model" language. Any enforceability clause would clearly be the subject of negotiation, just like other provisions in an FFCA. As we understand it, the DOD has balked at signing FFCA's which include language vital to state enforcement of an FFCA under RCRA section 7002. In the end we agree with Senior EPA Enforcement Counsel Richard Mays, who testified:

> You can negotiate forever but if you don't get agreement on what ultimately needs to be done, somebody has to be the final judge and the final determiner of the acts that have to be done to clean up.... I think EPA needs to be able to issue administrative orders to Federal facilities as well as to private facilities to fill out that role.[24]

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[24] Id. at 259.

Legislation clarifying EPA's long-recognized authority under RCRA to issue administrative orders against federal facilities is therefore crucial.

C. Civil Penalties

Yet another road block erected by Justice is the Department's claim that federal agencies do not have to pay civil penalties for RCRA violations. RCRA provides for penalties of up to $25,000 per day for each violation. Both judicial enforcement actions as well as administrative orders can result in the imposition of penalties. EPA considers penalties essential to its enforcement efforts:

> By seeking and winning large financial and criminal penalties against significant violators, the Agency seeks to remove any incentives for non-compliance.... A major objective is to ensure that violators are not inclined to consider fines simply as a cost of doing business. More and more, the courts have shown they are willing to punish willful polluters with stiff civil penalties...[25]

Justice has taken the position that while RCRA section 6001 waives sovereign immunity so as to allow a state or citizen group to sue a federal facility for a violation of RCRA, the section does not waive sovereign immunity with respect to the imposition of penalties. Therefore, Justice has opposed all attempts by states and citizen groups to have penalties assessed against federal facilities for RCRA violations. See, e.g., Meyer v.

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[25] Supra note 8.

United States Coast Guard, 644 F.Supp. 221 (E.D.N.C. 1986); accord, McClellan Ecological Seepage Situation v. Weinberger, 655 F.Supp. 601 (E.D. Cal. 1986); cf. California v. Walters, 751 F.2d 977 (9th Cir. 1984) (criminal penalties). The courts that have adopted the Justice Department's position have found that the language in section 6001 does not waive sovereign immunity with sufficient clarity regarding penalties. A waiver of sovereign immunity cannot be implied from a statute but rather must be unequivocally expressed. Hancock v. Train, 426 U.S. 167, 179-80 (1976). However, a recent district court opinion in Ohio, Ohio v. DOE, No. C-1-86-0217 (S.D. Ohio 1988), and a federal magistrate's recommended decision in Maine, supra note 15 at 13-14, found waivers of sovereign immunity in Section 6001, rejecting the reasoning in the other cases.

We believe that legislation clarifying that the RCRA federal facility provision waives sovereign immunity fully is critical.

The Costs of Cleanup

Since the early 1940's, the U.S. has spent about $230 billion, in current dollars, on the production of nuclear warheads. But the true costs of nuclear weapons production is actually much higher if the staggering bill for environmental cleanup at DOE defense facilities is accounted for.

Last month in a report requested by Senator John Glenn (D-OH), DOE estimated that $66 - $110 billion would be needed to clean up environmental contamination and achieve and maintain

compliance with environment, safety, and health requirements at its weapons facilities. This startling figure consists of $40 - $70 billion for "corrective actions," including "safety, and health" upgrades, and an additional $26 - $40 billion for "day-to-day activities" to comply with environment, safety, and health requirements through FY 2045.[26]

The General Accounting Office (GAO) subsequently reported that DOE cleanup costs may be even higher than DOE estimated--$100 - $130 billion.[27] GAO projects that corrective actions at DOE weapons facilities may cost $35 - $65 billion. An additional $45 billion could be needed to dispose of radioactive wastes and decontaminate facilities--costs DOE omitted in its report. GAO also estimates that $20 billion may be necessary to upgrade facilities to maintain "existing capability" for producing nuclear weapons. GAO's report addresses DOE costs over and above the day-to-day cost of making nuclear weapons and thus does not include the $26 - $40 billion that DOE states may be needed to comply with existing environmental standards.

Clearly these numbers--which do not even include an estimated $15 to $25 billion for expansion and restructuring of the complex--are astounding. Even by Federal standards, where

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[26] Department of Energy, "Environment, Safety, and Health Report for the Department of Energy Defense Complex," July 1, 1988, p. 35 (hereafter DOE ES&H Report).

[27] "Dealing with Problems in the Nuclear Defense Complex Expected to Cost over $100 Billion," GAO/RCED-88-197BR at 3-7.

multi-billion dollar projects are common, the cost of waste cleanup at DOE facilities is large. For example, the total amount spent on the Apollo space project, which put a man on the moon, was $76.1 billion in 1986 dollars--just over half of DOE's environmental cleanup bill. High-profile projects like the DOE's proposed Superconducting Supercollider, which is estimated to cost $5.3 billion, pale in comparison to the Department's bill for waste cleanup.

The Department's total FY 1988 budget for nuclear weapons production, including waste cleanup and management, is about $8 billion. DOE emphasizes in its recent report to Sen. Glenn that, of its total defense budget, funds for environment, safety, and health projects have been increased from $350 million in FY 1984 to over $1 billion in FY 1989.[28] However, this increase, although admirable, is minuscule compared to what will be required. At current funding levels, it would take well over a century to clean up the DOE facilities. Even if DOE were to stop producing nuclear weapons today and dedicate its entire weapons production budget solely to waste cleanup, over 15 years would be required.

Unfortunately, DOE's environmental bill could well be much higher than currently estimated. Not only will additional environmental cleanup be required as a result of future weapons production, but Congress, EPA and the states may tighten

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[28] DOE ES&H Report, p. 8.

environmental laws and regulations over the next decade. To meet more stringent future standards, DOE will likely have to spend even more. The Department recognized this in its recent report to Sen. Glenn: "The reader should consider, however, the probable impact of additional legislation, changing DOE Orders, and the current state of scientific knowledge on the industrial practices of today, and their cumulative impact on future ES&H [Environment, Safety and Health] activities and resources."[29]

Even if environmental standards remain unchanged, DOE may well have underestimated how much it will cost to clean up the weapons complex, judging from its past estimates of major construction projects. In 1988, DOE provided the House Appropriations Committee Subcommittee on Energy and Water Development with a list of 21 construction projects that were estimated to require five or more years to complete. On average, the projects increased in cost by nearly 500 percent from the time they were initiated to the time they were completed or abandoned. The Committee concluded: "The credibility of [new major construction projects] must be challenged in light of the Department's past competence in estimating the cost of and managing construction of major projects."[30] Similar doubts must be raised about the Department's long-term estimates of the cost

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[29] DOE ES&H Report, p. 35.

[30] U.S. House of Representatives Committee on Appropriations Subcommittee on Energy and Water Development, "Energy and Water Development FY 1989 Appropriations Bill Report to Accompany H.R. 4567," p. 55.

of waste cleanup.[31] A 500 percent increase in overall cleanup costs for the weapons complex would leave the Nation with a bill for over one-half trillion dollars!

DOE attributes many of its environmental problems to a past lack of knowledge about the impacts of industrial operations on the environment. "Other than for radiation effects, there was little understanding of the scope and impact of then-acceptable industrial operations on the environment during the late 1940's and into the 1950's," DOE stated in the report to Sen. Glenn. "Since that time, environment, safety, and health concerns have been evolving and increasingly stringent requirements have been applied.... Today's standards require remedial investigation of old waste disposal and spill sites and many DOE defense complex facilities."[32]

But while environmental requirements have increased over the past two decades, DOE has consistently lagged behind private industry in its environmental practices and has resisted pressure from Congress and the public to comply fully with federal environmental laws and strengthen its environmental programs. The Department's recalcitrance has been exacerbated by the

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[31] For example, DOE plans to construct a waste vitrification plant for treating high level waste at Hanford. In FY 1988, the total estimated cost was $680 million. In FY 1989 the estimated cost is $920--almost a quarter of a billion dollar increase in just one year. Department of Energy, "Atomic Energy Defense Activities Construction Project Data Sheets FY 1989," p. 441.

[32] DOE ES&H Report, p. IV.

tradition of secrecy surrounding the nuclear weapons complex.

But putting aside the issue of who is to blame for DOE's environmental problems, an unanswered question looms: How will the Nation deal with the massive bill DOE has accrued? Recent DOE statements and reports on its environmental problems do not provide any clues. For example, in the recent report to Senator Glenn the Department repeated the following sentence four times in different sections of the document: "[C]ompletion of the corrective actions will be determined ultimately through the review and prioritization of these and other mission objectives of the Department within the annual Federal Budget Process."[33]

In other words, DOE is saying: "To the extent possible, we'll clean up the mess, but we really aren't able to make any commitments as to how or when we'll do it." This is clearly inadequate. Congress should act now to insure that the DOE moves swiftly to cleanup its facilities. We have three suggestions:

1. Congress Should Insure that DOE Strikes a Reasonable Balance Between its Warhead Production and Environmental Cleanup Missions.

DOE stated in its report to Sen. Glenn that "[the cost of environmental cleanup] poses a major challenge for DOE, the Congress, and the Nation: balancing DOE defense operations with

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[33] DOE, "Environment, Safety, and Health" Report, pp. ii, 10, 29, 35.

escalating environment, safety, and health requirements."[34] If the Department and Congress are going to make a serious and sustained commitment to rectifying environmental problems at the weapons complex, major budgetary, structural, and programmatic changes will have to be made, unless the Department's budget is significantly increased. For example, unnecessary and low priority nuclear weapons production activities will have to be scrapped in order to meet pressing environmental cleanup needs. Congress must closely scrutinize DOE's budget to insure that the proper balance is struck between funding for warhead production and environmental activities.

2. DOE Cleanup Projects Must Be Prioritized.

DOE is currently surveying environmental problems at its facilities. A DOE team has identified problems at each facility, and is preparing a comprehensive preliminary report, and an accompanying action plan for each site. DOE is prioritizing the environmental problems within and among various facilities. Although DOE's criteria for categorizing specific problems at a particular facility are defined in the surveys, the method for setting priorities across the entire weapons complex is not specified. The only criteria DOE has provided to the public for system-wide prioritization is that it will be on a "Department-

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[34] DOE ES&H Report, p. IV.

wide basis in order of importance."[35] In contrast, the Department of Defense, almost two years ago, formally proposed the use of the "Defense Site Remediation Priority Model" in the Federal Register. 52 Fed. Reg. 44204 (Nov. 11, 1987). Since that time, DOD has been working with EPA and states to refine the model for use in FY 1989. [36]

It must be recognized that in any system-wide prioritization process undertaken by a federal agency, conflicts of interests will arise. For example, DOE could very well be in conflict with Congress and the public over how it sets cleanup priorities. Within DOE itself, conflicts may arise among the regional Operations Offices as well as individual facilities over scarce funds. Conflicts will also likely develop between DOE and affected states, some of which are already prioritizing problems at individual facilities under RCRA. Moreover, conflicts may arise among the affected states themselves over allocation of federal cleanup funds.

The potential for conflicts of interest in prioritizing cleanup and the limited funds that will be available suggests the need for outside oversight. Congress might consider establishing a temporary, independent body to review the adequacy of DOE's

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[35] See e.g., Department of Energy, "Environment, Safety, and Health Office of Environmental Audit, Environmental Survey Preliminary Report Feed Material Production Center, Fernald Ohio," March 1987, p. ES-1.

[36] Defense Environmental Restoration Program, Annual Report to Congress for Fiscal Year 1987 at iii.

prioritization efforts in light of conflicting federal, state, and local interests.

3. DOE Should Overhaul its Accounting System.

NRDC and other citizen groups have spent the past year trying to make sense of DOE's budget. Despite hundreds of hours of research and many calls to helpful DOE budget officials, we have not been able to determine how much money the Department is spending on environmental programs at particular DOE sites.

The difficulty stems from the fact that funds for individual facilities are allocated in a variety of ways in DOE's budget. They may be allocated through DOE's regional Operations Offices which often have jurisdiction over several facilities. This makes it difficult to find funding for many individual facilities. For example, funds for the Rocky Flats facility in Colorado are administered by the Albuquerque Operations Office in New Mexico although this is not indicated anywhere in the budget.

But even if one finds an individual facility noted in the budget under the Operations Office, the total funding for that facility may still not be clear. This is because funding for individual facilities can be listed not only under the Operations Office but also under the facility itself or under the operating contractor. For example, funds for the Department's Y-12 facility can be listed under the Oak Ridge Operations Office, Y-12 itself, or Martin Marietta, Inc., the operating contractor.

Further complicating things, sometimes funds are budgeted under an Operations Office without reference to any specific facility. In some cases DOE officials have been able to explain the ultimate destination of these funds; in other cases they have not.

Furthermore, environmental projects are strewn haphazardly through different programs in the budget, obscuring how much money is spent on compliance and cleanup. For example, environmental funds for the Fernald facility, denominated "Environment, Safety and Health Improvements - Fernald", are found under the "Nuclear Materials Production Program" section of the budget. Environmental funds for the Mound facility, denominated "Environment, Safety, and Health Upgrade - Mound," are found under the "Weapons Activities Program" section. With due respect, we challenge any member of Congress to figure out how much of DOE's budget is allocated to environmental compliance and cleanup at a particular DOE facility.

Others have found DOE's budget inadequate. In December 1987, the General Accounting Office (GAO) reported that it was unable to determine how much money DOE was spending to comply with RCRA and CERCLA. GAO found that DOE did not have records segregating and detailing its total expenditures for compliance and cleanup under RCRA and CERCLA. GAO concluded:

> DOE cannot readily demonstrate compliance with Executive Order 12088, which, in part, requires executive agencies to ensure that sufficient funds are requested in their budgets and that funds appropriated for compliance with environmental standards, such

> as those related to RCRA and CERCLA, are not used for other purposes; it cannot demonstrate proper internal controls over resources -- funds spent to comply with the two laws; and it cannot promptly respond to the Congress to address its concerns regarding environmental funding.[37]

GAO recommended that DOE specifically account for all RCRA and CERCLA funds.

Recently, DOE has attempted to upgrade its budget reporting procedures for some environmental programs. In FY 1988, DOE established a new section in its budget entitled "Environmental Restoration," which is supposed to consolidate RCRA and CERCLA funding under a single program. However, in recent phone conversations, DOE budget officials were still unable to determine the amount of money requested for Remedial Investigation/Feasibility Studies under CERCLA for each facility. Moreover, according to GAO the new system still does not adequately account for large amounts of money that will have to be spent for RCRA compliance.[38] In contrast, GAO noted that "the Department of Defense has established a program to address RCRA and CERCLA remedial efforts that has resulted in separate budgeting and accounting for thoses program activities."[39]

DOE's current accounting system for environmental activities, even with improvements, so obscures critical

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[37] "DOE Needs to Better Identify Funds for Hazardous Waste Compliance," GAO/RCED-88-62 at 1-2.

[38] GAO/RCED-88-62 at 7.

[39] GAO/RCED-88-62 at 5.

information that the Department has effectively classified an unclassified document. This is unacceptable, given the large amount of cleanup money that DOE will have to spend--and be accountable for--in upcoming years. DOE's accounting system for environmental activities must be consolidated and clarified if the Department, Congress and the public are to have confidence that funds for environmental compliance and cleanup are spent wisely.

STATEMENT OF
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ASSISTANT ADMINISTRATOR
FOR
SOLID WASTE AND EMERGENCY RESPONSE
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL OVERSIGHT
U.S. SENATE

August 4, 1988

Good morning, Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to be here today to discuss the Environmental Protection Agency's implementation of the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at Federal facilities. With me today are Chris Grundler, Director of the Federal Facilities Hazardous Waste Compliance Office and Lisa Friedman, Associate General Counsel.

Today I will provide an overview of EPA's activities with regard to both RCRA and CERCLA and describe some of the Agency's future goals for Federal facility compliance.

I. OVERVIEW

I would first like to stress that I feel strongly that Federal facilities have an obligation to comply fully with all environmental laws and regulations. Statutory language makes it clear that Federal facilities must comply both procedurally and substantively with RCRA and CERCLA in the same manner as any non-Federal entity must comply.

Over the past year, a great deal of effort has been spent clarifying the enforcement tools that are available to EPA in the hazardous waste programs to achieve a higher level of compliance at Federal facilities. To focus attention on these Federal facilities, and to implement the CERCLA requirements concerning them, EPA established the Federal Facilities Compliance Task Force. The goal of the Task Force is to establish a nationally consistent enforcement program that recognizes and encourages the full use of EPA and state enforcement tools to ensure that Federal facilities comply with CERCLA and RCRA requirements.

The Task Force recently became a permanent organization within the Office of Waste Programs Enforcement to monitor compliance with hazardous waste laws at Federal facilities. The Federal Facilities Hazardous Waste Compliance Office will focus on facilitating enforceable interagency agreements at NPL sites, managing the Federal facilities docket, developing policy and guidance development, and monitoring compliance with RCRA and CERCLA.

II. CERCLA COMPLIANCE

Section 120 of the Superfund Amendments and Reauthorization Act (SARA) provides that, EPA and Federal agencies are to enter into interagency agreements (IAGs) for necessary remedial actions at sites on the Federal National Priorities List (NPL).

I am encouraging the use of three-party Section 120 agreements to incorporate both RCRA and CERCLA activities under one enforceable agreement and to serve as a comprehensive plan for investigatory and remedial activities at the facility. Through an interagency agreement EPA, the State, and the Federal facility can agree on a facility-wide strategy, setting priorities and schedules for action.

A. Negotiation of Precedential Agreements

EPA has been active in the negotiation of interagency agreements on a general as well as site-specific basis. On the site-specific side EPA, the Department of the Army, and the State of Minnesota signed the first Interagency Agreement (IAG) at Twin Cities Army Ammunition Plant on August 12, 1987. This agreement laid the groundwork for further negotiations between EPA, and DOD and DOE to develop model provisions for Interagency Agreements.

EPA views an IAG as a comprehensive document addressing hazardous waste activities at a Federal facility from the RI/FS through the implementation of the remedial action. IAGs formalize the procedure and timing for submittal and review of documents and establish a mechanism to resolve disputes. IAGs must comply with the public participation requirements of CERCLA Section 117 and they are enforceable by citizens and states through citizens' suits. Additionally, CERCLA authorizes assessment of civil penalties against Federal agencies for failure to comply with IAGs.

B. Negotiation of Model Agreements

I am pleased to report that in separate agreements with the Department of Energy (DOE) and the Department of Defense (DOD), EPA recently reached agreement on model language for CERCLA 120 Interagency Agreements. The agreements resolve significant policy issues between EPA, and DOE and DOD including, enforceability, resolution of disputes, stipulated penalties, review process for RI/FS and RD/RA documents, funding and jurisdiction. Key features of the model agreement include the following:

- o A strong enforceability provision for State and citizen enforcement of the agreement.
- o A dispute resolution process which provides a streamlined mechanism to resolve disputes, with the EPA Administrator making the final decision.
- o EPA assessment of stipulated penalties in the event of a failure of DOE and DOD to meet a timetable or deadline, failure to comply with a final resolution of dispute, or failure to fulfill a term or condition of the agreement associated with a remedial action.
- o A streamlined and well defined relationship between EPA, and DOE and DOD for the remedial investigation/ feasibility study, remedy selection, and remedy implementation;
- o A funding clause that describes actions DOE or DOD will take to meet their obligations under the agreement.

The model language is to be utilized by EPA and DOE, or DOD for National Priority List sites where Superfund is tapped as the lead cleanup authority. The language sets forth the relative roles and responsibilities of the Federal agencies with respect to one another, and with respect to the cleanup of Superfund sites.

Although the model language does not specifically deal with the state's role in the agreement, EPA recognizes the importance of state involvement at DOE and DOD Superfund sites in site-specific negotiations. The state's interests, and references within the agreement to these interests, will be built into the site-specific agreements within the context of these negotiations.

The agreement should expedite negotiations at DOE and DOD facilities where CERCLA is selected as the lead authority. EPA is currently negotiating at 25 Federal facilities and is currently planning negotiations at an additional number of approximately 22 other environmentally significant Federal facilities. A number of the agreements are quite far along and with the model language, EPA hopes to bring them to a close soon. State concerns at these facilities, and how they will be addressed, will be key to bringing the negotiations to a close. EPA hopes to conclude agreements with the following facilities this fall: Letterkenny Army Depot (PA, two NPL sites), Louisiana Army Ammunition Plant (LA), Tinker Air Force Base (OK), Sharpe Army Depot (CA), Livermore National Laboratory (CA), DOE-Monticello Sites (UT), and DOE-Mound Plant (OH).

C. Government Owned/Contractor Operated Facilities

In addition to the foregoing, it is important to point out that EPA may direct its enforcement actions to the contract operator of a government owned facility (GOCO). EPA and the states have the full range of enforcement authorities under RCRA and CERCLA that are available for private facilities. The decision on

whether to direct an initial action to a Federal facility or pursue action with a GOCO will be made on a site-specific basis.

EPA has recently taken action at GOCO facilities. On June 30, 1988, EPA issued a complaint under RCRA Section 3008(a) to the contractor/operators at Ravenna Army Ammunition Plant, Ravenna, OH, Ravenna Arsenal, Inc., and Physics International Co. for outstanding violations. The complaint contains a proposed penalty of $31,750. On June 14, 1988, EPA issued a special notice letter under CERCLA to General Dynamics, the Contract operator of Air Force Plant No. 4, a NPL site in Texas. The notice letter stated that the operator was a potentially responsible party under CERCLA and requested that a good faith offer be made within 60 days to perform a remedial investigation and feasibility study at the facility pursuant to a CERCLA Section 104/122 administrative order. In addition, on July 21, 1988, EPA issued a RCRA Section 3008(a) complaint to Day and Zimmerman, Inc., the contract operator at the Lone Star Army Ammunition Plant in Texarkana, Texas. The complaint concerns violations of the land ban and includes a proposed penalty of $86,500.

D. Federal Facility Hazardous Waste Compliance Docket

CERCLA Section 120(c) requires EPA to establish a Federal Agency Hazardous Waste Compliance Docket. The initial docket was published in the Federal Register on February 12, 1988 and lists 1,095 Federal facilities. This docket, available for public

inspection in the Regional offices, will also contain notice of all actions taken under CERCLA regarding Federal hazardous waste facilities and all hazardous substance release notification information concerning Federal facilities submitted to EPA under CERCLA provisions of RCRA Sections 3005, 3010, and 3016.

This information is made available to the public by EPA through Regional information repositories. A milestone tracking system is being developed to indicate each facility's progress in complying with Superfund and RCRA requirements.

E. National Priority List Sites

On July 22, 1987, EPA added 32 Federal facility sites to the NPL (52 FR 27620), the first Federal facilities to be included on the list. Sixteen Federal facility sites are proposed for the NPL, and on June 24, 1988, EPA proposed to add another 14 Federal facility sites to the NPL (53 FR 23988), for a total of 30 proposed Federal facility sites. Additionally, we will propose a special Federal facility update to the NPL later this year.

F. Applicability of RCRA to Federal Facilities Placed On the NPL.

Recently, concern has been raised about the manner in which RCRA requirements will be applied to Federal facilities which are listed on the NPL. CERCLA Section 120 states clearly that Federal facilities must comply with the statute in the same manner as private parties. CERCLA Section 120(i) states further that a

Federal facility's obligation to comply with RCRA (including corrective action requirements) is not impaired by Section 120. The issue then becomes the procedural question of how EPA and the states can most effectively implement the corrective action requirements of RCRA at Federal facilities placed on the NPL in a manner consistent with the requirements of CERCLA. I can assure you that we intend to resolve this issue as expeditiously as possible.

G. Superfund Contract Initiatives

EPA has taken several approaches to share its Superfund contracting strategies with other Federal agencies, the cleanup industry, and the public. In the fall of 1987, we briefed the Army Corps of Engineers on our Alternative Remedial Contracting Strategy (ARCS) and provided them with a copy of our Request for Proposals. In the spring of 1988, we briefed the Department of the Navy on ARCS and furnished them with copies of our solicitation documents. We also discussed practical matters regarding the implementation of a program such as ARCS. Similar meetings have been held with the Department of Energy. In addition to these meetings, we have maintained a close working relationship with the public and the cleanup industry through a series of symposia on both removal and remedial contracting strategies. These symposia have been conducted over the past two years in Washington, D.C., Hartford, Chicago, Philadelphia, Atlanta, Kansas City, and San Francisco.

III. RCRA COMPLIANCE

Under RCRA, a facility with permitted or interim status units must comply with the requirements for the management of hazardous waste. The RCRA approach to hazardous waste management includes such items as ground water monitoring, recordkeeping, and proper facility closure. Failure to comply with RCRA requirements for the proper handling of hazardous waste will result in an enforcement action by either an authorized state or by EPA.

A. Federal Facility Compliance Agreements

In those cases where EPA would routinely issue a unilateral order or make a civil referral for noncompliance at a private facility, EPA will issue a notice of noncompliance and then negotiate a compliance agreement at a Federal facility. A compliance agreement represents a formal commitment by a Federal agency to correct violations of RCRA requirements. It sets forth a schedule to return the facility to compliance. Federal facility compliance agreements are also enforceable by the citizens and states through citizen suit provisions. Compliance agreements also contain provisions for dispute resolution. In January of this year, EPA issued guidance on enforcement actions of Federal facilities which included model language for enforceability clauses and dispute resolution for use in all Federal facility compliance agreements (FFCA).

In addition, on March 24 of this year I provided the Regional Administrators with an elevation process to be used when agreement on the settlement of the terms and conditions of a FFCA cannot be reached in a timely manner. Ultimately, if my office cannot resolve the dispute by working with the equivalent office at the affected agency within another thirty days, the dispute will be further elevated to the EPA Administrator and his Federal agency counterpart for resolution. I hope to work with the other agencies in making the elevation process a timely and constructive manner of settling disputes between executive departments and agencies. This process was successful in reaching closure on the FFCA for the Iowa Army Ammunition Plant, which was signed on April 29, 1988. Several other Federal facility disputes have been or are in the process of being referred to my office for resolution, including Hollomon Air Force Base, Lake Cities Army Ammunition Plant, and Naval Weapons Station-Earle.

B. RCRA Corrective Action

Federal facilities are also subject to RCRA corrective action. RCRA specifically states that Federal facilities must comply with RCRA permitting requirements. Site-specific plans for RCRA corrective action will be incorporated into either an order under RCRA Section 3008(h) or through RCRA Sections 3004(u) and (v) in a RCRA permit.

When settling a dispute that arises in a negotiation of a RCRA corrective action order, the existing administrative procedures for issuing RCRA Section 3008(h) orders to private facilities will be applied to Federal facilities. However, Federal agencies will have the opportunity to elevate disputes to the Administrator for a final decision in the event a dispute cannot be resolved at the Regional Administrator level.

The first corrective action order under the provisions of 3008(h) of RCRA was signed on July 10, 1987, at the Department of Energy's Idaho National Engineering Laboratory (INEL). This order contains schedules for specific actions to achieve and maintain compliance. It outlines a plan for investigating the extent of contamination at the facility. The order includes dispute resolution language that identifies the EPA Administrator as the final arbiter of disputes and remedy selection. The order is fully enforceable by the State and by individuals through the citizen suit provisions of RCRA Section 7002.

A number of States are seeking authorization to implement the corrective action provisions of HSWA. Nine States expected to receive authorization this calendar year include: Georgia, Minnesota, Colorado, Utah, North Dakota, Idaho, Vermont, Michigan and South Dakota.

The use of RCRA permitting tools is also an effective way of formalizing corrective action requirements in an enforceable

agreement. For example, the DOE Savannah River Plant is a RCRA land disposal facility which is currently being evaluated for the NPL. In the meantime, investigation and remediation of contamination at the facility is being conducted under the corrective action requirements of RCRA Sections 3004(u) and (v) in the land disposal permit. The permit requires DOE to submit a facility-wide program plan which establishes a schedule for investigation of the facility. The work that is conducted under the RCRA permit may then be incorporated into an interagency agreement under CERCLA Section 120 if the facility is listed on the NPL. Use of the RCRA corrective action authorities at the facility prior to NPL listing allows for more timely investigation and remediation of the facility.

IV. FUTURE DIRECTIONS

During the past months and years EPA, the States, and Federal agencies have worked through a number of difficult issues regarding hazardous waste management and cleanup. However, much remains to be done.

With this ongoing emphasis, EPA's goals for the future are enumerated as follows:

- Use the recently negotiated model language to assist in developing interagency agreements for NPL sites. State involvement is essential in these proceedings. EPA and other Federal agencies must work hard to address their concerns.

- Continue to work closely with the states to strengthen the partnership we share in using both national and state authorities to achieve our common goals.

- o Routinize the use of RCRA compliance and corrective action tools where appropriate.

- o Use the other tools available to enforce environmental compliance where necessary. Specifically, issue RCRA and CERCLA orders against government-owned, contractor-operated facilities where needed to achieve progress at Federal installations.

- o Similarly, use elevation and dispute resolution processes to ensure that discussions do not stagnate.

In closing, let me say that I will continue to count Federal facilities compliance among my highest priorities. I will look forward to working with all concerned to effect such compliance.

This concludes my prepared statement, Mr. Chairman. My colleagues and I will be happy to answer any questions you may have.

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Committee on Environment and Public Works,
U.S. Senate

STATEMENT OF

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DEPUTY ASSISTANT SECRETARY OF DEFENSE
(ENVIRONMENT)

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

U. S. SENATE

SUBCOMMITTEE ON SUPERFUND AND

ENVIRONMENTAL OVERSIGHT

AUGUST 4, 1988

INTRODUCTION

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

THANK YOU FOR THE OPPORTUNITY TO DISCUSS WITH YOU MAJOR ASPECTS OF THE DEPARTMENT OF DEFENSE'S MANAGEMENT OF ITS HAZARDOUS WASTE PROGRAMS. AS A MANAGER OF ENVIRONMENTAL ACTIVITIES IN THE PRIVATE SECTOR FOR 28 YEARS, I AM IMPRESSED BY THE SIGNIFICANT CHALLENGES I NOW FACE IN DEVELOPING ENVIRONMENTAL POLICIES AT DOD. HAVING SERVED IN BOTH WORLDS, I WANT TO STATE AT THE OUTSET THAT THE ENVIRONMENTAL PROTECTION CHALLENGES FACED BY PUBLIC SECTOR MANAGERS ARE INFINITELY GREATER.

YOU ASKED THAT I ADDRESS DOD'S EFFORTS TO EFFECTIVELY MANAGE OUR HAZARDOUS WASTE PROGRAMS AND SPECIFICALLY COVER AT LEAST FIVE MAJOR TOPICS: FIRST, THE ADEQUACY OF THE MODEL PROVISIONS FOR INTERAGENCY AGREEMENTS (IAGs) FOR SUPERFUND CLEANUPS AND OUR IMPLEMENTATION PLANS FOR IAGs; SECOND, STRATEGIES, POLICIES, AND CAPABILITIES OF DOD TO CLEAN UP ITS WASTE SITES AND IMPLEMENT IAGs; THIRD, THE ROLE OF THE STATES IN THE IAG PROCESS; FOURTH, DOD'S FUNDING OF ITS RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AND SUPERFUND OBLIGATIONS; AND FIFTH, OUR RCRA COMPLIANCE PROGRAM. I WOULD LIKE TO COVER ALL THESE TOPICS IN A BROADER DISCUSSION THAT SHOWS HOW WE ARE WORKING TO MEET ALL OUR STATUTORY OBLIGATIONS IN THESE AREAS. I THINK THAT WILL GIVE YOU THE BEST APPRECIATION OF OUR EFFORTS.

THEREFORE, I WANT TO FIRST PRESENT DOD'S GOALS AND OBJECTIVES FOR ITS WASTE PROGRAMS AND SOME OF THE MAJOR CHALLENGES THAT WE FACE IN MEETING THEM. THEN, I WILL EXPLAIN OUR STRATEGIES FOR REACHING OUR GOALS AND OBJECTIVES. IN THIS AREA I'LL ADDRESS THE SPECIFIC ITEMS OF INTEREST TO YOU. NEXT, I'D LIKE TO PROVIDE YOU A REPORT ON OUR PROGRESS. FINALLY I'LL POINT OUT SOME MANAGEMENT ISSUES I BELIEVE THAT DOD, EPA AND CONGRESS NEED TO HAVE A DIALOGUE ABOUT SINCE THEY ARE BEYOND DOD'S INDEPENDENT RESOLUTION.

GOALS AND OBJECTIVES

FIRST, LET'S DISCUSS WHAT DOD'S PRIMARY MANAGEMENT GOALS AND OBJECTIVES ARE IN THE HAZARDOUS WASTE MANAGEMENT AREA. UNDER THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA), THE DEPARTMENT HAS A GOAL TO IDENTIFY AND CLEAN UP WASTE SITES THAT MAY THREATEN PUBLIC HEALTH, WELFARE AND THE ENVIRONMENT AS QUICKLY AND COST-EFFECTIVELY AS POSSIBLE. WE MUST OPERATE WITHIN THE LAW'S FRAMEWORK FOR SO DOING. FOR BOTH OUR CLEANUP STUDIES AND CLEANUP STANDARDS WE RELY ON EPA'S NATIONAL CONTINGENCY PLAN. WE HAVE A MAJOR LONG-TERM MANAGEMENT OBJECTIVE OF TRYING TO RESOLVE THE WORST PROBLEMS FIRST IN ORDER TO PROVIDE THE PUBLIC THE GREATEST BENEFITS IN OUR EFFORTS TO MINIMIZE RISKS TO PUBLIC HEALTH, WELFARE AND THE ENVIRONMENT. UNDER RCRA, OUR GOAL IS TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY PROPERLY MANAGING AND APPROPRIATELY ELIMINATING OR MINIMIZING THE HAZARDOUS WASTE

THAT OUR OPERATIONS ARE GENERATING TODAY. MAJOR LONG-TERM OBJECTIVES ARE TO REDUCE THE WASTE WE HANDLE NOW AND TO CREATE NO NEW PROBLEMS THAT WE WILL HAVE TO CLEAN UP UNDER SARA. AGAIN, THE DEPARTMENT OPERATES UNDER RCRA'S STATUTORY DIRECTION WHICH IS PRIMARILY LAID OUT IN EPA AND STATE REGULATIONS.

WE ARE MAKING ENVIRONMENTAL PROTECTION AN INTEGRAL PART OF DOD'S ACTIVITIES. THIS MEANS THAT WE WANT TO HAVE IMPORTANT ENVIRONMENTAL ISSUES THAT OUR INSTALLATIONS FACE, RECEIVE APPROPRIATE SENIOR MANAGEMENT ATTENTION THROUGHOUT THE DEPARTMENT ON A CONTINUAL BASIS AND BECOME PART OF THE MAINSTREAM OF DOD'S ACTIVITIES -- A PART OF OUR PLANNING PROCESSES EACH YEAR.

CHALLENGES WE FACE

DOD FACES SEVERAL SIGNIFICANT CHALLENGES IN WORKING TO MEET ITS GOALS AND OBJECTIVES. SOME OF THEM ARE COMMON FOR ALL OF PUBLIC SECTOR MANAGEMENT AND DO NOT EXIST IN THE PRIVATE SECTOR. OTHERS I BELIEVE ARE SIMILAR TO ISSUES THE PRIVATE SECTOR FACES BUT ARE MORE SEVERE GIVEN THE SIZE OF DOD AND ITS PROGRAMS.

LIKE OTHER PUBLIC AGENCIES, DOD'S CHARTER COMES FROM THE CONGRESS AND SO DO OUR RESOURCES. BY THE NATURE OF THE APPROPRIATIONS PROCESS, RESOURCES OFTEN LAG BEHIND THE REQUIREMENTS CONGRESS HAS ESTABLISHED. THIS IS ESPECIALLY TRUE

WHEN REGULATIONS ARE NEEDED TO IMPLEMENT CONGRESS'S REQUIREMENTS. THEY CAN TAKE SEVERAL YEARS TO DEVELOP AND THEIR FINAL FORM IS NOT CERTAIN UNTIL PROMULGATION. YET, THESE REQUIREMENTS CAN GO INTO EFFECT ANYWHERE FROM IMMEDIATELY TO SIX MONTHS, FAR TOO SHORT A TIME TO ACCOUNT FOR THEM IN THE NORMAL BUDGETARY PROCESS. LIKE ALL OTHER PUBLIC SECTOR MANAGERS I WORK THROUGH PERSONNEL, PURCHASING, AND CONTRACTING MECHANISMS THAT PROVIDE MANPOWER AND MATERIAL WHILE THEY ALSO MEET OTHER IMPORTANT GOVERNMENT OBJECTIVES FOR FAIRNESS AND COMPETITIVENESS. THESE MECHANISMS OFTEN HAVE IMPORTANT BUT TIME-CONSUMING SAFEGUARDS THAT DO NOT EXIST IN THE PRIVATE SECTOR, WITH WHICH I ALSO COMPETE FOR MANY OF MY RESOURCES.

AMONG PUBLIC SECTOR MANAGERS, I FACE SEVERAL UNIQUE CHALLENGES DUE TO THE NATURE OF THESE ENVIRONMENTAL ISSUES. HERE I HAVE ISSUES DIFFERENT INDUSTRIES FACE FROM TIME TO TIME. FIRST, HAZARDOUS WASTE IS A VERY LARGE AND EMOTIONAL CONCERN TO THE PUBLIC. THE CLEANUP PROCESS CAN EASILY ENTER LITIGATION. THEREFORE, ALL PROGRAMS MUST BE VERY CAREFULLY EXECUTED AND LAID OUT FOR OUR REGULATORS, INTEREST GROUPS, AND THE PUBLIC TO UNDERSTAND ALL THE DETAILS. SECOND, THE TECHNOLOGY FOR WASTE MANAGEMENT AND CLEANUP IS UNDERGOING SIGNIFICANT CHANGES AND, IN MANY WAYS, WE ARE PRESSING THE STATE-OF-THE-ART IN MOVING TO MORE COMPLETE REMEDIES. THIRD, WE ALSO HAVE TO CONTEND WITH WHAT APPEARS TO BE CONTINUALLY CHANGING REQUIREMENTS FOR BETTER HANDLING PRACTICES AND CLEANUP SOLUTIONS. ALL THESE ISSUES

EXIST IN THIS FIELD FOR DIFFERENT GROUPS INVOLVED AND I KNOW THEY HAVE BEEN DISCUSSED IN THE CONGRESS REPEATEDLY. THEY HAVE BECOME TO SOME, CLICHES.

HOWEVER, THESE VERY REAL IMPLEMENTATION CHALLENGES ARE EXACERBATED FOR DOD BECAUSE OF THE SHEER SCALE OF OUR OPERATIONS. WE HAVE ONGOING CLEANUP OPERATIONS UNDER SARA AT ABOUT 740 DOD INSTALLATIONS IN THE UNITED STATES. WE HAVE OR ARE EXAMINING POTENTIAL PROBLEMS AT ABOUT 5,200 SEPARATE SITES. THIS OCCURRED AFTER OUR INVESTIGATION OF ACTIVITIES ON ABOUT 25 MILLION ACRES OF FEDERAL LAND. ADDITIONALLY, WE ARE LOOKING THROUGHOUT THE COUNTRY AT OVER 7,000 FORMERLY-OWNED DEPARTMENT OF DEFENSE PROPERTIES TO DETERMINE IF ANY CLEANUP WORK IS NEEDED. UNDER RCRA, WE HAVE OVER 1,000 INSTALLATIONS THAT GENERATE REGULATED HAZARDOUS WASTES. OVER 200 OF THEM REQUIRE RCRA PERMITS FOR THEIR DISPOSAL, TREATMENT AND STORAGE OPERATIONS.

WE HAVE ENCOUNTERED ADDED CHALLENGES IN CONFLICTING PRIORITIES BETWEEN US AND OUR REGULATORS, EVEN THOUGH EACH MAY BE WELL-INTENTIONED. FOR INSTANCE, THE DEFENSE LOGISTICS AGENCY (DLA) IS CHARGED WITH IMPROVING THE SAFETY AND ENVIRONMENTAL SOUNDNESS OF DOD'S HAZARDOUS WASTE STORAGE OPERATIONS BY BUILDING NEW UNITS AT ABOUT 160 MAJOR INSTALLATIONS.

BESIDES PROVIDING BETTER DIRECT PROTECTION OF THE PUBLIC, THESE FACILITIES WILL SERVE AS COLLECTION CENTERS FOR PRODUCTS

THAT CAN BE RECYCLED. THIS WOULD CONTRIBUTE SIGNIFICANTLY TO OUR MINIMIZING THE DISPOSAL OF HAZARDOUS MATERIALS. HOWEVER, ISSUING NEW STORAGE PERMITS IS A LOW-PRIORITY OBJECTIVE TO MANY STATES AND EPA. THEY WANT TO INVEST THEIR SCARCE RESOURCES IN PERMITTING THE MORE ENVIRONMENTALLY SENSITIVE PRACTICES OF LAND DISPOSAL AND INCINERATION, WHICH HAVE EARLIER STATUTORY DEADLINES THAN THOSE THAT APPLY TO STORAGE FACILITIES. EVEN WHEN WE DEVELOPED "MODELS" FOR A FACILITY DESIGN WHICH WILL BE REPEATEDLY EMPLOYED AND A PERMIT APPLICATION TO REDUCE THEIR PERMIT REVIEW EFFORT, DOD HAS BEEN UNABLE TO INTEREST THE STATES AND EPA IN ALTERING THEIR PRIORITIES. WE NOW HAVE CLOSE TO 50 OUTSTANDING PERMIT APPLICATIONS "IN-PROCESS"; MANY HAVE BEEN AT REGULATORY AGENCIES FOR THREE TO FOUR YEARS. THIS WORRIES US FURTHER AS CONSTRUCTION COSTS IN THIS AREA CONTINUE TO RISE. THE BOTTOM LINE IS THAT WE HAVE BEEN HINDERED IN OUR EFFORTS TO CONSTRUCT FACILITIES TO PROTECT THE ENVIRONMENT NOW AND IT WILL COST US MORE TO DO SO IN THE FUTURE.

WE HAVE ALSO FOUND OUR WASTE MANAGEMENT PROGRAMS GREATLY COMPLICATED BY REGULATORS TRYING TO APPLY REGULATIONS AND PROCESSES THAT HAD INDUSTRIAL FACILITIES IN MIND RATHER THAN MILITARY INSTALLATIONS. FOR INSTANCE, EPA HAS ESTABLISHED A POLICY THAT EACH MILITARY INSTALLATION IS A SINGLE "FACILITY" FOR THE PURPOSES OF RCRA REGULATION--AN EXTENSION OF THE DEFINITION THEY APPLY TO THE PRIVATE SECTOR. BUT WHAT INDUSTRIAL PLANT HAS PLANT GROUNDS THE SIZE OF FAIRFAX COUNTY OR RHODE ISLAND AS WE DO

IN THE DOD? FROM THIS POLICY, A VERY PRACTICAL MANAGEMENT PROBLEM RESULTS. RELATIVELY SIMPLE TASKS BECOME GREATLY COMPLICATED. FOR INSTANCE, WHEN DLA WANTS TO BUILD A SIMPLE DRUM STORAGE AREA FOR CLEANING SOLVENTS, IT MUST ASSURE A STATE AND EPA THAT ALL THE INSTALLATION'S PAST SOLID WASTE MANAGEMENT AREAS THAT MAY CONTAIN HAZARDOUS CHEMICALS ARE BEING ADDRESSED IN A WAY THAT EPA BELIEVES IS SUFFICIENT. THIS USUALLY MEANS INITIATION OF AN EXPLANATION TO EPA OF A BROAD INVESTIGATION AND CLEANUP PROGRAM. THE RELATIVELY SIMPLE STORAGE PERMIT THAT COULD TAKE 12-18 MONTHS FOR A STATE TO ISSUE, MAY NOW TAKE MORE THAN TWICE THAT LONG BECAUSE OF THE FACILITY-WIDE REVIEW ENTAILED BY THIS PROCESS INVOLVING BOTH STATE AND EPA. WHERE INITIALLY ONLY DLA, TYPICALLY A TENANT OPERATION, NEEDED TO BE ACTIVE TO GET THE PERMIT, THE MILITARY SERVICE OWNING THE INSTALLATION MUST ALSO ENTER THE PICTURE. THE CLEANUP WORK WON'T PROCEED ANY FASTER THAN WE HAVE RESOURCES GIVEN TO US BY CONGRESS. THE ONLY RESULT OF THIS IS THAT OUR EFFORTS TO BETTER HANDLE AND RECYCLE MATERIAL AND WASTES ARE DELAYED.

IN A MORE COMPLICATED SITUATION WHERE WE ARE DEALING WITH INCINERATION OR LAND DISPOSAL WE ARE GENERATING MASSIVE COMPLEX PERMIT APPLICATIONS TO START. THEN THEY ARE CONNECTED TO ALL THE STUDIES OF OUR CLEANUP PROGRAM. TOGETHER THEY CAN SIMPLY BOGGLE THE MIND IN EFFORTS TO ORGANIZE AND PROCESS THE INFORMATION. INSTEAD OF HANDLING BASE ISSUES IN MANAGEABLE CHUNKS, WE MOVED EVERYTHING INTO ONE PILE WHERE IT DEFIES ANY QUICK SUBSTANTIVE

ACTION. IN RECOGNITION OF THIS, EPA IS MOVING TOWARDS PERMIT COMPLIANCE SCHEDULES. HOWEVER, THIS WILL LEAD TO ADDITIONAL PERMIT PROCESSING IN A REGULATORY SYSTEM THAT ALREADY IS STRESSED. SOLVING ONE PROBLEM GIVES US ANOTHER. A BETTER, MORE LIMITED DEFINITION OF A RCRA "FEDERAL FACILITY" COULD PROVIDE MORE MANAGEABLE PROBLEMS FOR ALL OF US TO TACKLE. HOWEVER, WITH SO MUCH TO HANDLE NOW AND SO MUCH MORE STILL TO DO, WE FIND IT HARD FOR EPA TO COME BACK TO ISSUES LIKE THIS TO BETTER SORT THEM OUT FROM AN IMPLEMENTATION STANDPOINT.

THIS DISCUSSION IS NOT TO SUGGEST FEDERAL FACILITIES ARE NOT TO BE SUBJECTED TO THE SAME ENVIRONMENTAL STANDARDS AS ALL OTHER PRIVATE PARTIES. THEY ARE AND SHOULD BE, AND DOD WANTS TO MEET ALL THESE REQUIREMENTS OF RCRA AND CERCLA. WE WANT TO BE A MODEL. HOWEVER, WE ARE LARGER, MORE COMPLICATED, FUNDED DIFFERENTLY, AND MANAGED IN AN OFTEN-CHANGING PUBLIC AND POLITICAL ARENA. OUR OPERATIONAL INCENTIVES ARE DIFFERENT. THEREFORE, SOME OF THE REGULATORY PROCEDURES AND DEFINITIONS CAN UNNECESSARILY COMPLICATE OUR EFFORTS TO COMPLY.

STRATEGIES TO REACH DOD'S GOALS AND OBJECTIVES

WE HAVE NINE MAJOR STRATEGIES FOR ATTAINING OUR GOALS AND OBJECTIVES. THEY GUIDE AN ENTIRE SET OF HAZARDOUS WASTE PROGRAMS THAT FOCUS ON PROVIDING ENVIRONMENTAL QUALITY AT OUR INSTALLATIONS.

FIRST, WE OPERATE OUR PROGRAMS IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS, REGULATIONS, GUIDANCE AND POLICIES. UNDER SUPERFUND, THIS MEANS WE CLEAN UP ALL OUR SITES IN ACCORDANCE WITH SARA SECTIONS 120, 121, 211 AND OTHERS THAT ARE APPLICABLE TO DOD. WE USE EPA'S NATIONAL CONTINGENCY PLAN, THE EPA INTERIM GUIDANCE ON SECTION 121 CLEANUP STANDARDS AND APPROACHES, AND A VAST ARRAY OF OTHER EPA GUIDANCE MATERIALS. NOTABLY, WE WERE TAKING ADVANTAGE OF EPA'S SUPERFUND PROGRAM MATERIALS WELL BEFORE PASSAGE OF SARA IN 1986. WE CLEARLY UNDERSTAND THAT SECTION 121 MANDATES THAT STATES BE GIVEN A MEANINGFUL ROLE. THE SERVICES TRY TO ARRANGE FOR IT AT ALL CLEANUP ACTIONS THAT WE HAVE UNDERWAY. WE ACTUALLY HAVE APPROACHED THIS MATTER AT BOTH THE INSTALLATION LEVEL AND MORE RECENTLY, NATIONALLY, WHERE WE'VE HAD SOME DISCUSSIONS WITH SEVERAL STATES' REPRESENTATIVES ON HOW WE CAN ENHANCE THEIR ROLE. AS YOU WILL SEE LATER, WE HAVE HAD LONGSTANDING POLICIES ON STATE INVOLVEMENT AT THE INSTALLATION LEVEL. FURTHERMORE, WE CLEARLY RECOGNIZE UNDER SECTION 120 OUR OBLIGATION TO COMPLY WITH REQUIREMENTS THAT EXIST IN STATE SUPERFUND PROGRAMS WHEN A SITE IS NOT ON THE NPL. FINALLY, DOD RECOGNIZES IT'S OUR RESPONSIBILITY UNDER SECTIONS 117 AND 211 OF SARA TO INVOLVE THE LOCAL PUBLIC AND GOVERNMENTS, OUR NEIGHBORS, IN OUR EFFORTS. THE SERVICES ARE COMMITTED TO MEETING THESE REQUIREMENTS AND OFTEN ARE WORKING THROUGH TECHNICAL REVIEW COMMITTEES THAT AT LEAST HAVE EPA, STATE AND LOCAL GOVERNMENTS INVOLVED. THEY HAVE ALSO

ESTABLISHED OUTREACH PROGRAMS TO COMMUNICATE WITH AND TO INVOLVE THE PUBLIC IN THEIR CLEANUP EFFORTS.

UNDER RCRA, WE AGAIN FOLLOW ALL THE RULES EPA AND STATES HAVE THAT ARE APPLICABLE. FOR MUCH OF THIS PROGRAM WE ARE NOW INTERACTING WITH STATES WHO HAVE HAD IT DELEGATED FROM EPA TO THEM. THE PERMITTING PROCESS FOR OUR MANAGEMENT OPERATIONS REQUIRES PUBLIC INVOLVEMENT WHERE LOCAL ENTITIES AND INDIVIDUALS CAN EXPRESS THEIR VIEWS ON OUR PERMIT APPLICATIONS.

SECOND, TO HAVE MEANINGFUL WASTE MANAGEMENT PROGRAMS WE MUST SECURE THE RESOURCES TO DO THE JOB. CONGRESS CENTRALIZED THE DOD BUDGET FOR CLEANUP OF PAST HAZARDOUS WASTE SITES IN THE DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT (DERA). THE SERVICES AND DLA SUBMIT THEIR PRIORITIZED FUNDING REQUESTS TO MY OFFICE WHERE THEY ARE CONSOLIDATED INTO A TOTAL DERA BUDGET REQUEST AND MOVED FORWARD THROUGH THE DOD BUDGETARY PROCESS INTO THE PRESIDENT'S BUDGET. THE DERA HAS BEEN GROWING STEADILY SINCE ITS INCEPTION IN 1984 (WHEN IT CONTAINED $150 MILLION). THIS YEAR WE SHOULD SPEND $402 MILLION. WE HAVE ASKED FOR $500 MILLION NEXT YEAR. THINKING FURTHER AHEAD, WE HAVE MADE SOME BUDGET PROJECTIONS OF OUR REQUIREMENTS THAT WE'VE PRESENTED TO OUR AUTHORIZING AND APPROPRIATIONS COMMITTEES. WE SEE THE PROGRAM REQUIREMENTS COULD RISE TO MORE THAN A BILLION DOLLARS ANNUALLY IN ITS PEAK YEARS AS WE GET HEAVILY INTO FUNDING REMEDIAL ACTIONS. WE HAVE A PROJECTED REQUIREMENT FOR CLEANUP OF PAST HAZARDOUS WASTE SITES

OF $10-15 BILLION.

FOR RCRA, THE SERVICES PRIMARILY IMPLEMENT THEIR COMPLIANCE PROGRAMS OUT OF THEIR OPERATING AND MAINTENANCE FUNDS. ENVIRONMENTAL PROJECTS ARE PART OF AN INSTALLATION'S BUDGET SUBMISSION FOR ANNUAL OPERATION AND MAINTENANCE THAT GOES THROUGH EACH SERVICE'S PROCESS TO CONSOLIDATE THEIR FUNDING REQUIREMENTS. IN THIS WAY, RESPONSIBLE WASTE MANAGEMENT IS A PART OF EVERYDAY BUSINESS AT THE BASE LEVEL. SINCE NO CONSOLIDATED BUDGET EXISTS FOR RCRA ACTIVITIES, ONLY AN ESTIMATE OF OUR ANNUAL EXPENSES IS AVAILABLE FROM A 1986 CONTRACTOR STUDY. FROM IT, WE BELIEVE THAT WE ARE SPENDING A QUARTER OF A BILLION DOLLARS ANNUALLY TO MANAGE THE HAZARDOUS WASTES THAT WE PRODUCE.

OFTEN PERSONNEL IN THE SERVICES AND DLA WORK ON BOTH CERCLA AND RCRA ACTIVITIES, ESPECIALLY AT THE INSTALLATION LEVEL. THEREFORE, DISAGGREGATION OF THE RESOURCES USED IS NOT VERY EASY AND PERHAPS NOT ALL THAT USEFUL. FURTHERMORE, THE ENGINEERING SUPPORT WE GET FOR THESE PROGRAMS OFTEN IS INTERMINGLED WITH OTHER REQUIREMENTS WE HAVE IN OPERATING AND MAINTAINING OUR INSTALLATIONS. FROM THE LIMITED INFORMATION THAT WE NOW HAVE, WE ESTIMATE THAT IN THIS FISCAL YEAR WE WILL EXPEND BETWEEN 1300 TO 1800 MAN-YEARS FOR OUR WASTE PROGRAMS. WE BELIEVE THAT IN UPCOMING YEARS OUR REQUIREMENTS WILL CONTINUE TO INCREASE AS OUR PROGRAM EXPANDS.

THIRD, WE WANT TO RUN OUR PROGRAM TO PRODUCE THE MOST POSITIVE ENVIRONMENTAL RESULTS EACH YEAR WITH THE RESOURCES WE'RE GIVEN. IN THE SUPERFUND AREA THIS MEANS THAT WE FOCUS ON APPLYING OUR RESOURCES TO OUR WORST SITUATIONS FIRST. AT THE MOMENT, WE HAVE A VERY SIMPLE SYSTEM IN PLACE TO DO THIS. THE HIGHEST PRIORITIES IN THAT SYSTEM ARE FOR EMERGENCIES, IMMINENT HAZARDS THAT NEED IMMEDIATE ACTION TO PROTECT PEOPLE, AND THE SITES THAT EPA HAS PLACED ON THE NATIONAL PRIORITIES LIST. CURRENTLY, WE HAVE 29 INSTALLATIONS WITH SITES ON THE NPL AND AN ADDITIONAL 23 INSTALLATIONS THAT EPA HAS PROPOSED TO ADD TO THE NPL. WE ARE WORKING ON A MORE SOPHISTICATED, RISK-BASED PRIORITIZATION SYSTEM THAT USES A SCIENTIFIC MODEL TO RANK SITES FOR CLEANUPS ON THE BASIS OF THEIR RELATIVE RISK. EPA AND INTERESTED STATES ARE HELPING US REFINE THE MODEL THAT WE INITIALLY DEVISED FOR THIS TASK LAST YEAR. WE PLAN TO PILOT TEST THE MODEL DURING FY 1989 AND HOPE TO HAVE IT OPERATIONAL IN OUR PRIORITIZATION PROCESS BY FY 1990.

THIS IS QUITE IMPORTANT FOR THE FUTURE. WE ARE FUNDING A VERY SUBSTANTIAL SET OF REMEDIAL INVESTIGATIONS AND FEASIBILITY STUDIES ACROSS THE COUNTRY. THIS WILL SOON PLACE US IN THE POSITION OF HAVING A VERY LARGE WORKLOAD FOR REMEDIAL DESIGNS AND ACTIONS. I WILL AGGRESSIVELY PURSUE GETTING MORE RESOURCES, BUT RECOGNIZE THAT EVEN WITH LARGE FUNDING INCREASES IT LOOKS LIKE SOME WORK WILL HAVE TO WAIT SEVERAL YEARS. A GOOD PRIORITY SYSTEM ASSURES ME THAT DOD PUTS TAX DOLLARS TO THEIR BEST PUBLIC

USE. HOWEVER, THOSE COMMUNITIES WAITING IN LINE FOR OUR ACTION MAY STILL BE SOMEWHAT IMPATIENT AND ALL OF US WILL FACE THEIR CONCERN. FOR THAT REASON, I THINK THAT WE VIGILANTLY NEED TO CONSIDER ALL THE WAYS WE CAN USE OUR RESOURCES TO GET THE MOST "CLEANUP-FOR-OUR-BUCK," WHICH SHOULD INCLUDE HAVING A STABLE CLEANUP PROGRAM THAT CAN ACHIEVE EFFICIENCY THROUGH ROUTINE.

UNDER RCRA, DIRECT REGULATORY REQUIREMENTS, VIOLATION NOTICES, AND PERMIT CALL-INS BY STATES AND EPA ARE VERY IMPORTANT TO OUR SETTING PRIORITIES. WE CLEARLY RECOGNIZE THAT OUR HIGHEST PRIORITY IS TO REDUCE RISKS TO HUMAN HEALTH OR THIS ENVIRONMENT AND TO BE IN COMPLIANCE WITH THE LAW.

FOURTH, WE HAVE ORGANIZED OUR EFFORTS IN A MANAGERIAL STRUCTURE THAT IS COMPATIBLE WITH OUR ORGANIZATION'S MISSION AND PRACTICES. THAT STRUCTURE IS ALSO BASED ON THE EXTREMELY COMPLEX AND EXTENSIVE PROGRAMS THAT WE MANAGE. THAT MEANS THAT WE OPERATE A VERY DECENTRALIZED PROGRAM. MY OFFICE SETS OVERALL ENVIRONMENTAL POLICY AND PROVIDES OVERSIGHT OF THE PROGRAMS OF THE MILITARY COMPONENTS. THE IMPLEMENTATION OF THE PROGRAM RIGHTFULLY RESTS IN THE MILITARY SERVICES AND AGENCIES. EACH SERVICE AND AGENCY DEVELOPS ITS STAFFING REQUIREMENTS, TRAINING PROGRAMS, AND PROGRAM IMPLEMENTATION SCHEDULES.

LIKE EPA, THE SERVICES HAVE EXPERIENCED SOME GROWTH PROBLEMS IN STAFFING UP AND MAINTAINING QUALIFIED PERSONNEL. THIS

SITUATION IS COMMON IN ANY GROWING PROGRAM. SEVERAL SERVICES HAVE DEVISED THEIR OWN TRAINING PROGRAMS AND OTHERS RELY ON EPA'S AND CONTRACTOR COURSES. FOR INSTANCE, THE AIR FORCE HAS A STRONG COMMITMENT TO ON-THE-JOB AND FORMAL TRAINING PROGRAMS FOR ITS PERSONNEL. A SELF-INSTRUCTION PROGRAM CONSISTING OF A SLIDE SHOW AND MANUAL ON HAZARDOUS WASTE MANAGEMENT IS ABOUT READY FOR FIELD USE. FORMAL COURSE WORK OCCURS AT THE AIR FORCE INSTITUTE OF TECHNOLOGY AND THE AIR FORCE ARRANGES SPECIAL WORKSHOPS ON CURRENT ISSUES. FOR EXAMPLE, THREE REGIONAL WORKSHOPS ARE BEING PLANNED WITH EPA FOR THIS FALL ON RECENT RI/FS DEVELOPMENTS. THEY WILL BE SPECIFICALLY TAILORED TO FEDERAL FACILITY NEEDS.

PERSONNEL RETENTION IS A TOUGHER ISSUE. UNIVERSALLY, THE DEMAND FOR EXPERIENCED HAZARDOUS WASTE PROFESSIONALS HAS OUTSTRIPPED THE SUPPLY. A RELATED PROBLEM THAT WE FACE IS THE NORMAL PRACTICE OF SERVICE ROTATION OF MILITARY STAFF. ONE CIVILIAN FIX FOR THE RETENTION PROBLEM HAS BEEN TO INCREASE THE GRADES OF OUR STAFF POSITIONS TO MAKE THE PAY MORE COMPETITIVE WITH GROUPS OUTSIDE. THE MILITARY TRANSIENCE AND A NEED FOR A CIVILIAN CORE THAT KEEPS CURRENT ON NEW DEVELOPMENTS IN THIS FIELD FURTHER REINFORCES OUR DESIRE TO DEVELOP AND MAINTAIN ACTIVE TRAINING PROGRAMS.

FIFTH, WE TRY TO GET REGULATORS INVOLVED EARLY IN OUR EFFORTS TO CLEAN UP SITES AND MAINTAIN GOOD WORKING RELATIONSHIPS IN OUR EFFORTS TO ENSURE RCRA COMPLIANCE. WE TRY TO WORK WITH

EPA AND THE STATES. UNDER OUR SUPERFUND PROGRAM, IT'S BEEN FOR SOME TIME THE POLICY OF ALL THE SERVICES AND DLA TO INVOLVE EPA AND THE STATES THROUGH EACH STEP OF THE CLEANUP PROCESS. THIS BEGINS WHEN WE HAVE DEVELOPED THE SCOPE OF WORK FOR THE PROJECT AND CONTINUES THROUGHOUT THE CLEANUP PROCESS. WE WANT TO AVOID THE DISCOVERY OF PROBLEMS IN OUR CLEANUP EFFORT SEVERAL YEARS INTO A PROJECT THAT DELAYS THE PROJECT TO MAKE POTENTIALLY COSTLY REVISIONS TO OUR EFFORT. WE WANT TO HAVE A COOPERATIVE AND PREFERABLY COLLABORATIVE CLEANUP EFFORT GOING ON AT OUR INSTALLATIONS.

I'M CONCERNED THAT THE ISSUE OF PAYMENT OF STATE OVERSIGHT COSTS COULD BE A BARRIER TO OUR EFFORTS TO SECURE MEANINGFUL STATE INVOLVEMENT IN CERCLA CLEANUPS AT DOD INSTALLATIONS. WE'VE TAKEN A HARD LOOK AT THIS, BECAUSE WE NEED AND WANT A PRODUCTIVE RELATIONSHIP WITH BOTH EPA AND THE STATES. OVER THE LAST YEAR THE DEPARTMENT OF DEFENSE HAS DEVELOPED A POSITION ON WHAT ASPECTS OF THE STATES' EFFORTS IN OUR CLEANUP PROGRAM WE SHOULD BE WILLING TO PAY FOR.

WE DO HAVE CLEAR AUTHORITY TO REQUEST AND PAY FOR "SERVICES" TO BE PROVIDED BY STATE OR LOCAL GOVERNMENT AGENCIES, OR OTHER FEDERAL AGENCIES, TO ASSIST IN CARRYING OUT THE SECRETARY'S RESPONSIBILITIES UNDER THE DEFENSE ENVIRONMENTAL PROGRAM. THIS WOULD INCLUDE SUCH SPECIFIC SERVICES AS IDENTIFICATION, INVESTIGATION AND CLEANUP OF OFF-SITE CONTAMINATION RESULTING

FROM A RELEASE OF A HAZARDOUS SUBSTANCE AT ONE OF OUR MILITARY INSTALLATIONS.

DOD FAVORS MAKING FULL OF USE THIS AUTHORITY TO PAY FOR SERVICES THAT WE REQUEST FROM OTHER AGENCIES, AND TO STRUCTURE OUR CERCLA IAG'S SO THAT THE STATES ARE FULL PARTNERS WITH AS MUCH OF THE ACTION AS THEY ARE ABLE AND WILLING TO ASSUME. HOWEVER, DOD DOES NOT WANT TO PAY FOR ENFORCEMENT AND OTHER TECHNICAL COMPLIANCE OVERSIGHT COSTS (SUCH AS DOCUMENT REVIEW) FOR REGULATORY AGENCIES INVOLVED WITH OUR CLEANUP EFFORTS. WE HAVE TAKEN THIS POSITION IN REGARDS TO BOTH STATE REGULATORY DEPARTMENTS AND THE ENVIRONMENTAL PROTECTION AGENCY.

OUR DESIRES TO WORK WITH EPA AND STATES AND TO OBEY ALL THEIR REGULATORY REQUIREMENTS IS THE BASIS OF OUR SIXTH STRATEGY. WE WANT TO ESTABLISH WORKABLE, INSTALLATION-SPECIFIC CLEANUP AGREEMENTS WITH EPA AND THE STATES WHERE IT IS STATUTORILY REQUIRED, OR MAKES SENSE. THIS HAS LED TO THE DEVELOPMENT OF "MODEL" AGREEMENTS LANGUAGE BETWEEN DOD AND EPA. WE PLAN TO USE THE MODEL AS THE NUCLEUS OF CLEANUP AGREEMENTS FOR OUR SITES THAT ARE PROPOSED FOR OR ARE ON THE NATIONAL PRIORITY LIST. IN THAT MODEL LANGUAGE, DOD AND EPA HAVE STRUCTURED THE WORKING RELATIONSHIP BETWEEN US. THE MODEL LANGUAGE DID NOT ESTABLISH OUR RELATIONSHIP WITH THE STATES. THAT WE BELIEVE WILL NEED TO BE WORKED OUT IN EACH STATE, MEETING THE NEEDS THAT THEY HAVE.

IMPORTANTLY, IN NO WAY DID WE WANT OUR RESOLUTION OF ISSUES IN THE MODEL LANGUAGE WITH EPA TO IMPLY THAT WE WERE TRYING TO BIND THE STATES. WE WERE ONLY TRYING TO GET OUR HOUSE IN ORDER WITH EPA FIRST. WE WANT THREE PARTY AGREEMENTS THAT ACCOMMODATE STATE INTERESTS. UPFRONT IN THE MODEL LANGUAGE THE POINT IS MADE THAT STATE PARTICIPATION IN THESE AGREEMENTS IS EXTREMELY IMPORTANT AND TO BE WORKED OUT WITH THE STATES.

FURTHERMORE, WE SEE THE POSSIBILITY OF AGREEMENTS WITH THEM AND PERHAPS EPA FOR NON-NPL SITES THAT WARRANT IT. IN THAT SENSE, WE SEE THE "AGREEMENT PROCESS" AS A USEFUL PROGRAM MANAGEMENT DEVICE, THAT SERVES MULTIPLE PROGRAM OBJECTIVES. AGREEMENTS SHOULD LAY OUT WHAT'S EXPECTED OF ALL OF US, GIVE THE PUBLIC CONFIDENCE WE ARE PROCEEDING WITH SITE CLEANUPS, AND ESTABLISH HOW OUR RELATIONSHIPS WILL WORK WITH EPA AND THE STATES. WE SHOULD FORM A PARTNERSHIP IF WE WANT TO SUCCEED IN THIS PROGRAM.

VERY IMPORTANTLY, WE ARE TRYING HARD TO RESOLVE A MAJOR COMPLICATION IN OUR CLEANUP PROGRAM BY INTEGRATING WHAT MIGHT OTHERWISE BE DUPLICATIVE AND POSSIBLY CONFLICTING RCRA AND CERCLA REQUIREMENTS IN THESE UMBRELLA AGREEMENTS. IAGs SHOULD CAPTURE IN ONE MANAGEMENT PLAN WITH STATE, EPA AND DOD CONSENSUS HOW THE REQUIREMENTS OF BOTH LAWS ARE TO BE SATISFIED AND THE MANAGEMENT ROLES AND FUNCTIONS THAT WE EACH HAVE. COMPLIANCE WITH SARA SECTION 120(i), WHICH COVERS RCRA REQUIREMENTS, IS THEREFORE

ACHIEVED BY THIS ARRANGEMENT.

WE SEE THE MODEL AGREEMENT LANGUAGE WITH EPA AS A MAJOR ACCOMPLISHMENT. IT RESOLVED THE MOST SIGNIFICANT POLICY ISSUES BETWEEN US AND IS A VERY ADEQUATE FOUNDATION FOR OUR AGREEMENTS PROCESS. HOWEVER, SITE-SPECIFIC AGREEMENTS USING THIS AS A BEGINNING POINT WILL IN THEMSELVES REQUIRE A LOT OF WORK. WE CANNOT REST ON THIS EFFORT UNTIL THE STATES GET INVOLVED AND ACTUAL CIRCUMSTANCES AT AN INSTALLATION ARE CONSIDERED IN THE COMPLETION OF EACH SITE-SPECIFIC AGREEMENT. IMPORTANTLY, THE AGREEMENTS REPRESENT A REFINEMENT OF OUR EXISTING EFFORTS TO BE COOPERATIVE WITH OUR REGULATORS AND TO OBEY THE MANY REQUIREMENTS THEY HAVE SO AS TO PROTECT THE PUBLIC AND THE ENVIRONMENT. WE AREN'T WAITING FOR THEM TO BEGIN EFFORTS TO CLEAN UP SITES. OUR CLEANUP STUDIES ARE PROCEEDING. ANYWHERE WE SEE AN EMERGENCY OR IMMINENT HAZARD, OR OTHER APPROPRIATE SITUATION FOR A REMOVAL ACTION, WE ARE ACTING TO SOLVE THE PROBLEM. HOWEVER, STATUTORILY WE CANNOT GO FORWARD WITH A FINAL REMEDY WITHOUT HAVING TRIED TO ENTER INTO AN AGREEMENT FOR AN NPL SITE. ON THE BASIS OF THE WORK WE'VE ALREADY DONE, WE ARE HOPEFULLY OPTIMISTIC THAT "AGREEMENT MAKING" WON'T DELAY THE PACE OF CLEANUP.

WHEN ALL THE AGREEMENTS WILL BE IN PLACE IS QUITE DIFFICULT TO PREDICT SINCE THEY ARE NEGOTIATED ACTIONS WITH EPA AND THE STATES THAT HAVE TO ACCOMMODATE ALL OUR INTERESTS AT A SPECIFIC SITE. FOR THE FINAL NPL SITES, WE ARE VERY HOPEFUL THAT WE ARE

TALKING IN MONTHS NOT YEARS. WE WANT TO TAKE ADVANTAGE OF THE BENEFITS OF THIS PROGRAM MANAGEMENT DEVICE AS SOON AS WE CAN. THE SERVICES ARE WORKING HARD IN THE FIELD NOW TO GET AGREEMENTS SIGNED. ALL THE SENIOR SERVICE ENVIRONMENTAL MANAGERS ARE CLOSELY MONITORING PROGRESS TO EMPHASIZE THE PRIORITY WE HAVE PLACED ON THIS AND WE ARE MEETING REGULARLY TO TRACK OUR PROGRESS.

OUR SEVENTH MAJOR STRATEGY FOR OUR PROGRAMS CONCERNS HOW WE'LL RESOLVE ISSUES OF RCRA COMPLIANCE WITH EPA. FIRST, LET ME MAKE IT CLEAR THAT DOD DOES NOT QUESTION COMPLYING WITH THE LAW. DOD MUST COMPLY. HOWEVER, WHERE THE ISSUE IS WHETHER WE ARE IN, OR OUT OF COMPLIANCE, OR WHAT CONSTITUTES REGAINING COMPLIANCE, WE HAVE FOUND OURSELVES DIFFERING WITH EPA AT TIMES. UNFORTUNATELY, SOME DISAGREEMENTS HAVE PERSISTED FOR A LONG TIME. TO CORRECT THIS PROBLEM WE HAVE ESTABLISHED A DOD POLICY FOR RAPID RESOLUTION OR ESCALATION OF RCRA COMPLIANCE ISSUES. OUR FIELD ACTIVITIES ARE TO RESOLVE ISSUES QUICKLY OVER WHETHER A VIOLATION EXISTS AND EITHER FIX CONFIRMED VIOLATIONS QUICKLY OR ENTER FORMAL COMPLIANCE AGREEMENTS IN SITUATIONS WHERE THE NATURE OF THE PROBLEM PRECLUDES NEAR-TERM RESOLUTION WITH EXISTING RESOURCES. EVEN THOUGH THESE AGREEMENTS ARE NOT REQUIRED UNDER RCRA, WE BELIEVE THAT THEY MAKE GOOD MANAGEMENT SENSE AND REASSURE THE PUBLIC THAT WE HAVE A BINDING COMMITMENT TO A SPECIFIC PLAN OF ACTION. WE FULLY INTEND TO RESOLVE ALL PENDING RCRA VIOLATIONS IN THIS MANNER VERY SOON AND ADDRESS FUTURE

ISSUES ACCORDING TO THE SAME GENERAL PROTOCOL.

ACTUALLY, WE EXPECT TO RESOLVE THE BULK OF OUR NOTICES OF VIOLATION WITHOUT THE NEED FOR A FORMAL AGREEMENT. MOST OF THE VIOLATIONS WE INCUR EACH YEAR ARE FOR ADMINISTRATIVE ITEMS THAT WE CAN FIX QUICKLY. SIMPLE CORRESPONDENCE BETWEEN THE STATE OR EPA AND US HAS BEEN SUFFICIENT TO CONFIRM COMPLIANCE IN THESE SITUATIONS IN THE PAST AND WE EXPECT THAT TO CONTINUE. WE DON'T INTEND TO ENTER AGREEMENTS THAT TAKE MORE TIME TO NEGOTIATE THAN MINOR VIOLATIONS TAKE TO FIX.

THE EIGHTH IMPORTANT ELEMENT OF OUR PROGRAM FOCUSES ON REDUCING THE AMOUNT OF WASTE HANDLING WE DO AND PREVENTING FUTURE WASTE SITES FROM EXISTING. THIS OCCURS THROUGH OUR EFFORTS TO MINIMIZE THE VOLUME OF HAZARDOUS WASTE THAT WE HAVE TO DISPOSE. IN 1987, THE SERVICES ESTABLISHED GOALS TO REDUCE THEIR VOLUME BY 50 PERCENT OVER A FIVE-YEAR PERIOD. THEY HAVE COMPLETED A NUMBER OF MINIMIZATION PROJECTS IN EFFORTS TO REACH THEIR TARGETS. MUCH OF THIS WORK STEMS FROM USING OVER $120 MILLION FROM THE DERA IN THE LAST FIVE YEARS AS SEED MONEY IN EFFORTS TO MINIMIZE HAZARDOUS WASTE DISPOSAL. ADDITIONAL FUNDS FROM SERVICE OPERATING BUDGETS ARE ALSO APPLIED HERE AS WE INTEGRATE WASTE MINIMIZATION CONCEPTS INTO OUR DAY-TO-DAY OPERATIONS. A STATUS REPORT OF ALL OUR ACTIVITIES IN THIS AREA WAS SUBMITTED TO THE CONGRESS IN MARCH 1988 THAT SHOWS HOW EXTENSIVE THIS INITIATIVE IS.

WE ARE VERY PROUD OF WHAT WE HAVE DONE ON MINIMIZATION ALREADY. HOWEVER, WE WANT TO DO MUCH MORE. WE ARE WORKING TO MAKE WASTE MINIMIZATION A PERPETUAL COMPONENT OF ALL OUR SYSTEMS AND PROGRAMS -- WHERE AVOIDANCE OF ADVERSE ENVIRONMENTAL IMPACT IS BUILT INTO OUR PROGRAM PLANNING, DEVELOPMENT, AND IMPLEMENTATION. A HAZARDOUS MATERIAL DIRECTIVE TO BE ISSUED LATER THIS YEAR WILL REQUIRE ACTIVITIES THROUGHOUT THE DOD TO CONSIDER HOW WE CAN REASONABLY MINIMIZE AND CONTROL HAZARDOUS MATERIALS USE SO AS TO PROTECT THE PUBLIC AND AVOID THE OFTEN HIDDEN FUTURE COSTS OF MANY CURRENT PRACTICES.

FINALLY, WE ARE TRYING TO PUT IN PLACE PROCEDURES THROUGHOUT OUR PROGRAMS THAT ENSURE EFFICIENT RESOURCE USE AND PROGRAM CONTROL. THIS IS A CHALLENGE DUE TO OUR SIZE. IT ALSO IS COMPLICATED AT TIMES BECAUSE, UNLIKE INDUSTRY, WE HAVE TO WORK OUT HOW TO GET THE NEEDED ACCESS TO CLEANUP CONTRACTORS THAT WE SHARE WITH EPA.

WE ARE WORKING IN THIS AREA TO IMPROVE THE CONTRACTING PROCESS WHERE IT'S NEEDED. ALREADY THE SERVICES HAVE MADE SOME EFFORTS TO MATCH CONTRACTING MECHANISMS TO THE TYPE OF REQUIREMENTS WE FACE. FOR INSTANCE, TASK ORDER CONTRACTS USING "COST-PLUS-FIXED-FEE" ARE USED IN SOME CASES TO HANDLE INVESTIGATIVE FUNCTIONS WITH UNCERTAIN MANPOWER REQUIREMENTS. "FIXED PRICE" CONTRACTS ARE EMPLOYED TO HANDLE WELL-UNDERSTOOD,

DISCRETE MAJOR CONSTRUCTION PROJECTS; E.G., A REMOVAL ACTION TO GET THE BEST COMPETITIVE PRICE. HOWEVER, WE NEED TO FURTHER EXPLOIT THE MATCH UP OF POTENTIAL CONTRACT TOOLS TO PROGRAM NEEDS, ESPECIALLY LOOKING FOR OPPORTUNITIES TO IMPROVE OUR FLEXIBILITY IN THE RI/FS PROCESS WHERE SO MANY ACTIVITIES ARE UNDERWAY. OBVIOUSLY, IN PURSUING THIS WE MUST ALSO FOCUS ON COMPETITIVENESS AND QUALITY IN CONTRACTING TO GET THE TAXPAYER NOT ONLY THE BEST BUY, BUT ALSO CLEANUPS THAT WILL BE PERFORMED WELL. WE MUST INSIST ON VALUE FOR OUR DOLLAR AND NOT LOOK SOLELY AT THE CHEAPEST COST. TO GET EFFECTIVE AND EFFICIENT CLEANUPS, WE MUST INSIST ON EXPERIENCED, PROVEN CONTRACTORS, THOSE WITH ADEQUATE RESOURCES AND EXPERIENCE TO DEAL WITH THE PROGRAM'S CHANGING COMPLEXITIES THAT CAN DO THE JOB RIGHT THE FIRST TIME.

EPA'S CONTRACT MANAGEMENT DIVISION HAS GREATLY HELPED US SET UP ONE INNOVATIVE EFFORT NOW UNDERWAY. THE NAVY IS CONDUCTING A LARGE PILOT TEST OF EPA'S ALTERNATIVE REMEDIAL CONTRACTING STRATEGY (ARCS) APPROACH, WHICH SHOULD LEAD TO IMPROVED RESPONSIVENESS OF PRIVATE CONTRACTORS TO THEIR NEEDS AT THE INSTALLATION LEVEL. IT SHOULD ALSO RESOLVE "THE HANDOFF" PROBLEM OF HAVING MANY CONTRACTORS RESPONSIBLE FOR A TRAIN OF WORK PRODUCTS AND NO ONE FIRMLY RESPONSIBLE FOR OVERALL SUCCESSFUL CLEANUP OF THE SITE. IDEAS LIKE THIS ARE TRACKED AND DISCUSSED AT THE INSTALLATION RESTORATION TECHNICAL COORDINATING COMMITTEE, A SERVICE MANAGER FORUM.

WE ARE ALSO WORKING AT MY LEVEL AND THE SERVICE SECRETARIAT LEVEL TO DEVISE BETTER MANAGEMENT INFORMATION SYSTEMS FOR PROGRAM MANAGEMENT. THIS WILL AUGMENT REGULAR MEETINGS THAT I HOLD WITH SENIOR SERVICE REPRESENTATIVES ON THE PROGRESS THEY ARE MAKING IN SITE CLEANUPS AND OTHER WASTE-RELATED ACTIVITIES.

PROGRESS

I THINK WE HAVE MADE SIGNIFICANT PROGRESS ON THE STRATEGIES ABOVE. AS I DISCUSSED MANY OF THEM, I PROVIDED YOU SOME OF THE HIGHLIGHTS.

NOW, LET ME GIVE YOU THE "BOTTOM LINE" FOR THE SUPERFUND PROGRAM WHEN WE REACHED THE END OF THE LAST FISCAL YEAR, OUR LAST SERVICE-WIDE REPORTING PERIOD. WE HAD COMPLETED PRELIMINARY ASSESSMENTS/SITE INVESTIGATIONS FOR 3735 SITES. ANOTHER 78 WERE UNDERWAY AS WE ENTERED THIS FISCAL YEAR. WE HAD COMPLETED REMEDIAL INVESTIGATION/FEASIBILITY STUDIES FOR 1096 SITES AND HAD THEM UNDERWAY AT 2733 PLACES AS WE ENTERED FY 88. WE HAD FINISHED 126 RESPONSE ACTIONS AND HAD UNDERWAY REMEDIAL DESIGN AND RESPONSE ACTIONS FOR ANOTHER 800 SITES AS WE ENTERED FY 88.

FROM A STATUTORY DEADLINE STANDPOINT WE ARE DOING WELL. ALL OUR NPL SITES HAVE RI/FSs UNDERWAY. ALSO, NEARLY ALL OF THE SITES PROPOSED FOR THE NPL HAVE THESE STUDIES UNDERWAY. FOR OUR INSTALLATIONS ON THE EPA FEDERAL DOCKET, WE ALSO DID WELL IN

GETTING THE NECESSARY PRELIMINARY ASSESSMENT REQUIREMENT MET. THE NAVY AND DLA COMPLETED ALL OF THEIR PAs BY THE APRIL DEADLINE. THE AIR FORCE HAD ONLY TWO INSTALLATIONS INADVERTENTLY NOT MEET THE DEADLINE FOR FACILITIES ON THE DOCKET AND THEIR PAs WILL BE DONE BEFORE THE END OF FY 88. THE ARMY CONDUCTED PAs FOR 135 OF ITS 175 FACILITIES ON THE DOCKET BY APRIL. THEY WILL HAVE THE REST DONE BY THE END OF THE FISCAL YEAR. THE ARMY HAD QUESTIONS ON ABOUT 40 FACILITIES EPA HAD CONSIDERED HAVING ON THE DOCKET AND DID NOT RECEIVE ANSWERS IN TIME TO MEET THE APRIL DEADLINE. BY STATUTE, NO SARA SECTION 120 INTERAGENCY AGREEMENTS ARE DUE YET. WE HAVE ONE AGREEMENT FOR TWIN CITIES ARMY AMMUNITION PLANT. WE HOPE TO HAVE MANY MORE IN THE COMING MONTHS.

FOR RCRA, WE ARE WORKING TO GET AGREEMENTS WITH EPA, WHERE NECESSARY, TO REGAIN COMPLIANCE AND TO SATISFY INDIVIDUAL STATE CONCERNS. ROUTINELY, MOST VIOLATIONS ARE FIXED AT THE STATE LEVEL IN ONE TO THREE MONTHS FROM NOTIFICATION. WE HAVE ONE MAJOR COMPLIANCE AGREEMENT IN PLACE WITH EPA AT THE IOWA ARMY AMMUNITION PLANT. IN TWO OTHER CASES WE HAVE FINAL ISSUES BEING RESOLVED AT HIGH MANAGEMENT LEVELS RIGHT NOW. AT MOST, WE SEE A NEED NOW OF ABOUT 10 AGREEMENTS AT OTHER LOCATIONS BESIDES IOWA. IMPORTANTLY, IN NO CASE IS ANYONE DRINKING UNSAFE WATER OR BEING HARMED DIRECTLY BY OUR VIOLATIONS. PLEASE BE ASSURED THAT WE WILL NOT LET THE PUBLIC BE HARMED WHILE WE WORK OUT AGREEMENTS. OUR POLICY HAS BEEN AND CONTINUES TO BE TO TAKE IMMEDIATE ACTION TO

RESPOND TO AN IMMINENT THREAT TO HUMAN HEALTH.

MANAGEMENT ISSUES

THERE ARE TWO MANAGEMENT ISSUES I WOULD LIKE TO BRING TO YOUR ATTENTION THAT ARE CRITICAL TO THE FUTURE OF THESE PROGRAMS. FIRST, WE HAVE CONSIDERABLE INSTABILITY IN OUR PROGRAM FROM THE CONTINUOUS ADJUSTMENTS IN THE REQUIREMENTS. SECOND, WE ARE EXPERIENCING TENSION IN THE PROGRAM FROM COMPETING OBJECTIVES THAT CONGRESS WANTS US TO PURSUE.

SINCE THE ADVENT OF THESE PROGRAMS IN 1980 WE FIND THE RULES AND POLICIES ARE ALWAYS IN A STATE OF FLUX AS EPA AND STATES RESPOND TO A WIDE VARIETY OF DEMANDS. IN RCRA, IT SEEMS LIKE HUNDREDS OF FEDERAL REGISTER NOTICES HAVE ANNOUNCED PROPOSED OR FINAL RULES THAT ADD TO OR CHANGE THE PROGRAM ESTABLISHED IN MAY 1980. IN SUPERFUND, SINCE THE 1982 PUBLICATION OF THE NATIONAL CONTINGENCY PLAN THERE HAS BEEN A SERIES OF CHANGES AND ADDITIONS. HOWEVER, THEY OCCUR THROUGH A PLETHORA OF GUIDANCE AND POLICY DIRECTIVES EPA HAS ISSUED. SO MUCH HAS COME OUT THAT EPA HAS AN RI/FS GUIDANCE MANUAL WHICH REALLY INSTRUCTS YOU ON HOW TO GET AND USE ITS OTHER GUIDANCE DOCUMENTS. I BELIEVE THERE IS A COLLECTIVE SENSE IN THIS AREA THAT WE HAVE REACHED THE POINT OF ADMINISTRATIVE OVERLOAD.

IN A SITUATION LIKE THIS WE FIND IT VERY DIFFICULT TO PLAN

OUR PROGRAM, TRAIN STAFF, AND GET THINGS DONE ON TIME. I ASK YOU TO CONSIDER THIS AS YOU APPROACH RCRA REAUTHORIZATION. DESPITE WHAT MANY SEE AS A PROGRAM OPERATED IN "OVERDRIVE" FOR A LONG TIME, EPA HAS NOT RATIONALIZED THROUGH REGULATION ALL THE REQUIREMENTS THAT WERE PASSED IN 1984. GOING FORWARD WITH NEW INITIATIVES AGAIN WILL MAGNIFY THE PROBLEMS IN AN AREA ALREADY OVERLY COMPLEX. I ASK YOU ALSO TO NOT FALL INTO THE POTENTIAL TRAP OF BEGINNING NOW TO REDIRECT EPA SO EARLY IN ITS EFFORTS TO IMPLEMENT SARA. THEY ARE MAKING AN ENORMOUS EFFORT TO FULFILL YOUR AGENDA. I HAVE SEEN SEVERAL VERY GOOD, PRACTICAL MANAGEMENT CALLS MADE EARLY. I THINK THAT THEY NEED SOME TIME TO WORK OUT THE COMPLEX REQUIREMENTS HERE AND NOT, AS SOME WOULD HAVE IT, BE SENT HEADLONG ALL READY TO CHANGE POLICIES BARELY IN EFFECT. THERE'S AN OLD SAYING; "THE PERFECT CAN BE THE ENEMY OF THE GOOD." I BELIEVE THEY NEED A CHANCE TO MAKE SOME GOOD EFFORTS WORK, RATHER THAN CHASE PERFECT SOLUTIONS THAT CREATE PROGRAM INSTABILITY AND PROBLEMS FOR EVERYONE IMPLEMENTING THE PROGRAM.

SECOND, SARA HAS MANY COMPETING OBJECTIVES THAT WE MUST DEAL WITH. FOR INSTANCE, WE MUST REVIEW OPTIONS AND TRY TO PUSH TECHNOLOGY TO ITS LIMITS TO USE PERMANENT REMEDIES, INVOLVE EPA, STATES AND CITIZENS IN OUR DECISIONS TO DO THIS, AND DO IT ALL UNDER TIGHT STATUTORY DEADLINES FOR NPL SITES. RECONCILING ALL OF THIS IS VERY CHALLENGING. DEPENDING ON TO WHOM YOU SPEAK, ONE CAN RANK THESE REQUIREMENTS DIFFERENTLY IN ORDER OF IMPORTANCE. CONGRESS, REPRESENTING EVERYONE, SAYS THEY ARE ALL MOST

IMPORTANT. THIS GIVES US A MANAGEMENT DILEMMA. WHEN WE ALLOW OTHER GROUPS TO PARTICIPATE IN OUR EFFORTS WE CANNOT MOVE AT NEARLY AS FAST A SPEED. AS WE PUSH TECHNOLOGY TO THE LIMITS, WE WILL NOT HAVE AN EASY TIME EXPLAINING UNDEMONSTRATED IDEAS TO THE PUBLIC. CONGRESS NEEDS TO APPRECIATE THAT THESE BUILT-IN TENSIONS IN THE LAW SERVE TO CREATE MANY TRADE-OFFS IN THE DAY-TO-DAY OPERATION OF THE PROGRAM. ANYONE'S DECISIONS TO RECONCILE THESE COMPETING OBJECTIVES CAN BE EASILY SECOND GUESSED AND OFTEN ARE. WE NEED, AGAIN, SOME TIME TO WORK OUT HOW BEST TO BALANCE THE COMPETING OBJECTIVES THAT WE HAVE -- TO APPLY OUR BEST JUDGMENTS. AS YOU OVERSEE OUR EFFORTS TO MEET THE PUBLIC'S INTERESTS, WE ASK THAT YOU UNDERSTAND THIS AND THE CHALLENGES WE FACE AND LOOK TO SEE IF OUR GENERAL DIRECTION IS RIGHT.

I WANT TO CLOSE MY FORMAL STATEMENT WITH THREE THOUGHTS. DOD IS FULLY COMMITTED TO PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT UNDER THE HAZARDOUS WASTE LAWS THAT CONGRESS HAS WRITTEN. WE HAVE THE MANAGERIAL CAPABILITY AND PERSISTENCE TO SECURE THE NECESSARY RESOURCES TO CARRY OUT THIS TASK. WE WANT TO TEAM UP WITH EPA AND THE STATES IN A COOPERATIVE EFFORT TO GET OUR JOB DONE.

THANK YOU AGAIN FOR THE OPPORTUNITY TO SPEAK TO YOU ABOUT OUR HAZARDOUS WASTE PROGRAMS AND THEIR MANAGEMENT.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310-0103

25 AUG 1988

The Honorable Frank R. Lautenberg
Chairman
Subcommittee on Superfund
and Environmental Oversight
Environmental Public Works Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request at the hearing on August 4, 1988, for a status of completed preliminary assessment (PA's) for Army properties listed on the initial Federal Agency Hazardous Waste Compliance Docket ("docket"), which was published in the Federal Register on February 12, 1988. The initial docket list reported 234 entries as Army properties.

In a letter of April 22, 1988, to the U.S. Environmental Protection Agency (EPA), I provided information to justify listing 175 properties as being owned by the Army (see enclosure 1). Reasons for deletion included: redundant entries for the same installation, formerly-owned Army properties, State-owned, not Federally-owned National Guard Bureau facilities, and small quantity generators. These reasons were consistent with EPA policy at that time.

Because the Superfund Amendments and Reauthorization Act of 1986, requires a PA for each property listed on the docket, I notified EPA that 139 PA's (or 77 percent) had been completed as of April 22, 1988. I also informed EPA that a PA would be completed for the remaining 40 properties by September 30, 1988. We are on schedule to accomplish this. As of this letter, we have completed 89 percent of the PA's; 19 PA's remain to be completed (see enclosure 2).

Also, I recently provided EPA with comments on the second docket list, which is scheduled for publication in the Federal Register later this month. EPA proposed to list 270 properties for the Army. Based on our review, the Army agrees that 203 properties meet EPA policy guidance (see enclosure 3). As of this letter, a PA has already been completed for all but 18 of the Army properties proposed for the August 1988 docket list.

I hope this information satisfactorily addresses your questions raised at the hearing. I would like to point out that the Army is placing a high priority on completing PA's as part of the overall program goal to identify and correct any environmental contamination.

If you have additional questions on the status of the PA's, please contact me at 695-7824.

Sincerely,

Lewis D. Walker

Lewis D. Walker
Deputy for Environment, Safety
and Occupational Health
OASA (I&L)

3 Enclosures

Copies Furnished:
Office of the Assistant Secretary of Defense,
Environment
Office of the Chief of Legislative Liaison
Office of the Chief of Public Affairs
Office of the Judge Advocate General
Office of the Assistant Chief of Engineers

ENCLOSURE 1

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310-0103

22 APR 1988

Mr. Chris Grundler
Director
Federal Facilities Compliance Task Force
Office of Emergency Response
U. S. Environmental Protection Agency
401 M Street, S. W.
Washington, D. C. 20460

Dear Mr. Grundler:

This provides corrections to the list of Army facilities that appear on the initial Federal Agency Hazardous Waste Compliance Docket, which was published in the Federal Register on February 12, 1988.

This initial docket list identifies 234 Army facilities. Our review indicates that 60 of these should be deleted for the following reasons:

o 11 facilities are redundant entries for the same facility;

o 41 facilities are State-owned, not Federally owned National Guard Bureau (NGB) facilities. The docket only applies to Federally-owned facilities;

o 3 facilities are small quantity generators (SQG's): 2 of these represent Federally-owned NGB facilities; 1 is an Army Reserve unit. EPA exempted SQG's from the initial docket list; and

o 5 facilities are formerly-owned Army properties (see enclosure 1). EPA exempted former sites from the initial docket list. There are 2 other former sites: Fort Monmouth, NJ and Umatilla Depot, OR. These should remain on the docket because they are active installations with known hazardous waste and portions of the property are former sites.

Conversely, one facility listed as "Marshall Space Flight Center" in Alabama, with NASA as the owner, should in fact be listed as an Army facility as Redstone Arsenal, Huntsville, AL. The Army is the landowner and permits NASA to operate as a tenant.

Enclosure 2 provides the names of the 60 facilities by annotating the appropriate pages of the Federal Facilities Docket List of February 18, 1988. Enclosure 3 corrects the names or spelling of facility names or addresses.

In summary, 175 Army facilities should be listed on the initial docket. Because a preliminary assessment (PA) is required for each facility listed on the docket, enclosure 4 provides the status of completing a PA. There are 135 facilities where a PA has been completed; the remaining facilities are scheduled for assessment by the end of fiscal year 1988. As you are aware, these assessments are part of an on-going program to evaluate all Army properties for possible contamination.

Enclosure 5 provides answers to specific questions raised by Ms. Linda Cooper of your staff, on Army facilities that appear on the initial docket list of February 12, 1988.

Additionally, you should be aware that although former sites meeting the statutory criteria for listing on the docket will be added in the future, remedial action is taking place for these sites. The Army is the executive agent for managing the former sites program for the Department of Defense. On March 31, 1988, the Army Environmental Office provided a comprehensive briefing on the requirements of the former sites program for several members of your staff.

Should you need clarification on the enclosures, my point of contact is LTC McAlear, at 695-7824.

Lewis D. Walker

Lewis D. Walker
Deputy for Environment, Safety
and Occupational Health
OASA (I&L)

5 Enclosures

Copies Furnished:
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Environment
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Office of the Chief of Public Affairs
Office of the Judge Advocate General
Office of the Assistant Secretary of the Army,
Civil Works
Director, Office of Federal Activities

DEPARTMENT OF THE ARMY
FORMER SITES LISTED ON THE
INITIAL DOCKET LIST OF FEBRUARY 12, 1988
FOR DELETION

1. 161st Air National Guard, AZ
2. Palatka AMSA, FL
3. Gen'l Electric- Lynn, MA
4. Natick R&D Labs, MA
5. Air Force Plant #68, NY

Enclosure 1

DEPARTMENT OF THE ARMY
FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET
53 Federal Register, February 12, 1988

KEY TO ENCLOSURE 2

To facilitate your review of these facilities, the following key applies:

o the symbol "*" refers to the 11 redundant entries.

o the symbol of a shaded triangle refers to the 41 State-owned NGB facilities.

o the symbol of a shaded circle refers to the 3 small quantity generators.

o the symbol of a shaded square refers to the 5 formerly-owned Army properties.

o the symbol of a "#" refers to changes in the names or spelling of the facilities (cross reference with enclosure 3).

Enclosure 2

termed "facilities" as defined above. Therefore, EPA has decided to list the individual sites owned by BLM (including sites leased to private parties) that are potentially contaminated. EPA also believes that the public can more readily identify BLM's property in the docket if individual sites are listed.

IV. Process for Establishing the Docket

In compiling the list which is being published today, EPA extracted the names and addresses of facilities from three EPA data bases which contain Federal facility information submitted under the four provisions listed in section 120(c). All Federal agencies were given the opportunity to comment on the draft list to ensure its accuracy. EPA has begun compiling the information submitted for each listed facility for inclusion in the appropriate EPA Regional docket repository. Confidential business information, as defined in 40 CFR Part 2, Subpart B (1986), will not be available for public inspection.

The following is a brief description of the four provisions that require Federal agencies to report information to EPA:

1. RCRA section 3005 establishes a permitting system for hazardous waste treatment, storage, and disposal (TSD) facilities based on EPA standards to protect human health and the environment. Information submitted under RCRA section 3005 consists of the TSD facility permit application materials.

2. RCRA section 3010 requires waste generators, transporters, and TSD facility owner/operators to notify EPA of their hazardous waste activities.

3. RCRA section 3016 requires Federal agencies to submit to EPA an inventory of hazardous waste sites that the Federal agencies own or operate, or have owned or operated in the past.

4. CERCLA section 103(a) requires the owner or operator of a vessel or facility to notify the National Response Center (NRC) of a release of reportable quantities of hazardous substances. The NRC conveys this information to all appropriate government agencies, including EPA. In addition, CERCLA section 103(c) required an initial reporting by June 9, 1981 of known or suspected hazardous waste sites.

V. Facilities Not Included

EPA has decided not to include in the docket at this time the following three categories of facilities:

1. Facilities formerly owned by a Federal agency and now privately owned. However, facilities that are now owned by another Federal agency will remain on the docket with the responsibility resting with the current owner.

2. Small Quantity Generators (SQG's) reported under RCRA section 3010 that have never produced more than 1000 kg/month of hazardous waste.

3. Facilities that are solely transporters as reported under RCRA section 3010.

The Agency will be collecting additional information in the coming months on whether or not to include one or more of these categories in future updates to the docket, and may solicit public comment on the issues at a later date.

VI. Information Contained on Docket Listing

The list below is organized by State and then grouped alphabetically within each State by the Federal agency responsible for the facility. This information is then followed by the facility name and address (as verified by the Federal agency), the statutory provision(s) under which the facility was reported to EPA (indicated by an "X" in the appropriate column(s)), and the EPA Region where the facility is located.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

Date: February 8, 1988.

FEDERAL FACILITIES DOCKET

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AIR FORCE	CAPE NEWENHAM AFS	11 TCG/CC BAY	ELMENDORF AFB	AK	99508				X	10
AIR FORCE	CAPE ROMANZOF AFS	11 TCG/CC	ELMENDORF	AK	99508				X	10
AIR FORCE	EIELSON AFB	5010 CSG/DE	EIELSON AFB	AK	99702				X	10
AIR FORCE	ELMENDORF AFB	215 CSG/DEEV	ANCHORAGE	AK	99508		X			10
AIR FORCE	GALENA AIR FORCE STATION.	5072 CSS/CC	GALENA AFS	AK	99741		X		X	10
AIR FORCE	INDIAN MOUNTAIN AFS	11 TCG/CC	ELEMENDORF AFB	AK	99508		X		X	10
AIR FORCE	MURPHY DOME AFS	11 TCG/CC	ELMENDORF AFB	AK	99508		X			10
AIR FORCE	SHEMYA AFB	5073RD ABG/OC	SHEMYA AFB	AK	99736				X	10
AIR FORCE	SPARRENVOHN AFS	11 TCG/CC	ELMENDORF AFB	AK	99508		X		X	10
AIR FORCE	TATALINA AFS	11 TCG/CC	ELMENDORF AFB	AK	99508				X	10
AIR FORCE	TIN CITY AFS	11 TCG/CC	ELMENDORF AFB	AK	99508				X	10
AIR FORCE	USAF CAPE LISBOURNE AFS	40 MILES NE OF POINT HOPE	CAPE LISBOURNE	AK	99788		X			10
ARMY	US ARMY NATIONAL GUARD 1ST BN SCT HQ.	433 FRONT ST	NOME	AK	99762		X		X	10
ARMY	US ARMY GERSTLE RIVER TEST SITE.	T13S R14E SEC 9, 13, 16	FORT GREELY	AK	99733				X	10
ARMY	US ARMY NATIONAL GUARD 2ND BN SCT HQ.	THE ARMORY 370 4TH AVE.	BETHEL	AK	99559		X			10
ARMY	US ARMY NATIONAL GUARD 4TH SCT BN HQ.	THE ARMORY	JUNEAU	AK	99801		X			10
ARMY	US ARMY NATIONAL GUARD 5TH SCT BN HQ.	4909 JEWEL LAKE RD	ANCHORAGE	AK	99502		X			10
ARMY	US ARMY NATIONAL GUARD ALASKA CSMS.	5300 E TUDOR RD	ANCHORAGE	AK	99507		X			10
ARMY	US ARMY NATIONAL GUARD ALAKSA USPFO.	ARMY GUARD RD & DAVIS HWY	FORT RICHARDSON	AK	99505		X			10
ARMY	US ARMY WHITTIER OIL STORAGE TANK.	3/4 MI N OF TOWN	WHITTIER	AK	99693				X	10
CORPS OF ENGINEERS, CIVIL	US ARMY—CGE PORT MOLLER	55 59'22" N 160 34' 29.374" W.	PORT MOLLER	AK	99669		X			10
CORPS OF ENGINEERS, CIVIL	US—CDE AMCHITKA ISLAND.	51-32 N 179-00 E	AMCHITKA ISLAND	AK	99502		X			10
CORPS OF ENGINEERS, CIVIL	US ARMY—CDE LONG ISLAND.	LONG ISLAND (FT. TIDBALL).	LONG ISLAND	AK	99508		X			10
CORPS OF ENGINEERS, CIVIL	US ARMY—CDE PORT HEIDEN.	56 57'53"N158 36'38"W	PORT HEIDEN	AK	99549		X			10
INTERIOR	BLM—FORT YUKON WHITE ALICE SITE.	E. OF TOWN	FORT YUKON	AK	99745			X	X	10

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM—ICY CAPE DEW LINE SITE.	WAINWRIGHT, 60 MI NE	WAINWRIGHT	AK	99782				X	10
INTERIOR	BLM—KOGRU RIVER DEW LINE SITE.	WEST SIDE OF HARRISON BAY	BARROW & PRUDHOE BAY	AK	99723				X	10
INTERIOR	BLM—LORAN STATION ON SITKINAK.	SITKINAK ISLAND	SITKINAK ISLAND	AK	99615					10
INTERIOR	BLM—PEARD BAY DEW-LINE SITE.	BARROW, 50 MI SW	BARROW	AK	99723				X	10
INTERIOR	BLM—PUMP STATION 12 DUMP SITE.	T.4.S.,R.1 E.,SEC 26		AK					X	10
INTERIOR	BLM—RED DEVIL MINE WASTE PONDS.	L81-10-12 L149-56-48		AK					X	10
INTERIOR	BLM—SAGWON AIRSTRIP	T5N4ESEC10-11	SAGWON	AK				X	X	10
INTERIOR	BLM—SLANA DUMP SITE	MILE 67 OF DENALI HWY		AK					X	10
INTERIOR	BLM—TANACROSS AIR-FIELD.	TANACROSS AIRFIELD	TANACROSS	AK	99776				X	10
INTERIOR	BLM—TANGLE LAKES DUMP SITE	MILE 22 DENALI HWY		AK					X	10
INTERIOR	FWS—KENAI NATIONAL WILDLIFE REFUGE.	SKI HILL ROAD	SOLDOTNA	AK	99669				X	10
INTERIOR	MPS MALASPINA DRILLING MUD SITE.	WRANGELL-ST ELIAS NATIONAL PARK	GLENNALLEN	AK	99588				X	10
INTERIOR	USDOI—FWS BROWNLOW POINT DEWLINE SITE	BARROW, 265 MI SE	BARROW	AK	99723				X	10
INTERIOR	USDOI—FWS DEMARCATION POINT DEWLINE SITE.	BARROW, 380 MI SE	BARROW	AK	99723				X	10
INTERIOR	USDOI—NPS NAGLATUK HILL.	CAPE KRUSENSTERN NAT MONUMENT	KOTZEBUE	AK	99752				X	10
NAVY	US NAVY—NAVAL ARCTIC RESEARCH LAB.	MAIN ST, 4 MI N OF CY	BARROW	AK	99723				X	10
NAVY	US NAVY ADAK NAVAL STATION.	51-54N, 176-45W	ADAK ISLAND	AK	99589				X	10
TRANSPORTATION	FAA—LAKE MINCHUMINA ARPT.	RAMP AT LK MINCHUMINA ARPT	LAKE MINCHUMINA	AK	99757				X	10
TRANSPORTATION	US COAST GUARD CUTTER SEDGE (WLB-402)	HOMER SPIT	HOMER	AK	99603		X			10
TRANSPORTATION	US COAST GUARD CUTTER SWEETBRIAR WLB-405.	COAST GUARD DOCK	CORDOVA	AK	99574				X	10
TRANSPORTATION	US COAST GUARD CUTTER WOODRUSH WLB-407	GOVERNMENT PIER	SITKA	AK	99835		X			10
TRANSPORTATION	USDOT—CG KETCHICAN BASE.	5 TONGASS HWY—5 CY LIMITS	KETCHIKAN	AK	99901		X			10
TRANSPORTATION	USDOT—CG KODIAK SUPPORT CTR.	WOMANS BAY KODIAK ISL	KODIAK	AK	99619				X	10
TRANSPORTATION	USDOT—FAA FIRE IS AIR WARNING STATION	COOK INLET SECTION 7 & 8 RNGE	ANCHORAGE	AK	99506				X	10
TRANSPORTATION	USDOT—FAA NORTHWAY STAGING FIELD.	NORTHWAY VILLAGE	NORTHWAY VILLAGE	AK	99764				X	10
TRANSPORTATION	USDOT—FAA UMIAT AIR-STRIP STAGING AREA	N BANK COLVILLE RIVER	UMIAT	AK	99723				X	10
ARMY	ALABAMA ARMY AMMUNITION PLANT.	PO BOX 368	CHILDERSBURG	AL	35044	X	X	X	X	4
ARMY	ANNISTON ARMY DEPOT	SDSAN-DS-FE	ANNISTON	AL	36201	X	X	X	X	4
ARMY	FORT MCCLELLAN CHEMICAL & MP CTRS.	OFF AL HWY 202	FORT MCCLELLAN	AL	36205	X	X	X	X	4
ARMY	FORT RUCKER	BLDG 1404	FORT RUCKER	AL	36362	X	X	X	X	4
* ARMY	US ARMY PHOSPHATE DEVELOPMENT WORKS.	NATL FERTILIZER DEV CENTER.	MUSCLE SHOALS	AL	35660				X	4
+ ARMY	MARSHALL SPACE FLIGHT CENTER.	AB 44	MARSHALL SPACE FLIGHT CTR	AL	35812	X	X	X	X	4
TENNESSEE VALLEY AUTHORITY	TVA BELLEFONTE NUCLEAR PLT.	OFF US HWY 72	HOLLYWOOD	AL	35401				X	4
TENNESSEE VALLEY AUTHORITY	TVA BROWNS FERRY NUCLEAR PLANT	US HWY 72	ATHENS	AL	35611		X			4
TENNESSEE VALLEY AUTHORITY	TVA GUNTERSVILLE HYDRO PLANT	OFF US HWY 431,11 MI NW OF	GUNTERSVILLE	AL	35976		X			4
TENNESSEE VALLEY AUTHORITY	TVA MUSCLE SHOALS POWER STORES.	AL HWY 133	MUSCLE SHOALS	AL	35660		X		X	4
TENNESSEE VALLEY AUTHORITY	TVA NATIONAL FERTILIZER DEV CTR	WILSON DAM ROAD	MUSCLE SHOALS	AL	35660		X	X	X	4
TENNESSEE VALLEY AUTHORITY	TVA WIDOWS CREEK STEAM PLANT	OFF US HWY 72 W	STEVENSON	AL	35772		X		X	4
TENNESSEE VALLEY AUTHORITY	TVA WILSON HYDRO PLANT	AL HWY 133	FLORENCE	AL	35660				X	4
NAVY	NAVAL MAGAZINE GUAM	APRA HBR HTS AREA BY FENA RESV.	APRA HARBOR	AO	96910				X	9
ARMY	MILLWOOD RESERVOIR	ROUTE 1	ASHDOWN	AR	71822				X	6
ARMY	PINE BLUFF ARSENAL	HIGHWAY 63	PINE BLUFF	AR	71602	X	X	X	X	6
ARMY	US ARMY FORT CHAFFEE		FORT CHAFFEE	AR	72905	X	X	X	X	6
EPA	COMBUSTION RESEARCH FACILITY	HCTR BLDG 45	JEFFERSON	AR	72079	X	X	X		6
AIR FORCE	AIR FORCE PLANT 44	EMERY PORT STATION	TUCSON	AZ	85734			X		9
AIR FORCE	DAVIS-MONTHAN AFB	836 CSG/CC	TUCSON	AZ	85707	X	X	X	X	9
AIR FORCE	LUKE AIR FORCE BASE	832 CSG/DE	LUKE AIR FORCE BASE	AZ	85309	X	X		X	9
AIR FORCE	WILLIAMS AIR FORCE BASE	834BG/DE	WILLIAMS AIR FORCE BASE.	AZ	85240	X	X	X	X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ARMY	161ST AREFG AIR NATIONAL GUARD	2001 S 32ND STREET	PHOENIX	AZ	85034		X			9
ARMY	FT HUACHUCA, US ARMY		FORT HUACHUCA	AZ	85613		X		X	9
ARMY	NAVAJO ARMY DEOT	I-40	FLAGSTAFF	AZ	86001	X	X		X	9
ARMY	YUMA PROVING GROUND, US ARMY	US ARMY YUMA PROVING GROUND	YUMA	AZ	85364	X	X		X	9
INTERIOR	ARIZONA PROJECTS OFFICE	7TH St	PHOENIX	AZ	85068			X		9
INTERIOR	BLM-ASARCO INC., SILVER BELL MINE & MILL	T12SR8ESEC2		AZ	85668				X	9
INTERIOR	BLM—CONGRESS CON GOLD MINE.	T10NR6WSEC22,23		AZ	85332				X	9
INTERIOR	BLM—CYPRUS BAGDAD COPPER CO.	T14NR6WSEC8,9		AZ	86321				X	9
INTERIOR	BLM—DATELAND LANDFILL	T7SR13WSEC3		AZ	85333				X	9
INTERIOR	BLM—DOME LANDFILL	T8SR20WSEC13		AZ	85369				X	9
INTERIOR	BLM—DUVAL CORP., MINERAL PARK PROP.	T23NR17WS18-20,30,31		AZ	86431				X	9
INTERIOR	BLM—DUVAL CORP., SIERRITA/ESP.	T16SR12ESEC1-22		AZ	85640				X	9
INTERIOR	BLM—GOLDEN VALLEY LANDFILL	T21NR17W*EC17		AZ	86401				X	9
INTERIOR	BLM—INSPIRATION CON. CHRISTMAS.	T4SR18ESEC17-29		AZ	85295				X	9
INTERIOR	BLM—INSPIRATION CON. COPPER—OXHIDE AREA.	T1NR15ES2,5,13,15,18		AZ	85501				X	9
INTERIOR	BLM—INSPIRATION CON. OPPER—INSPIR ARE.	T1NR14ES2,7,9		AZ	85532				X	9
INTERIOR	BLM—KENCOTT MINERALS CO MINES PLT.	T2SR13ESEC36		AZ	85273				X	9
INTERIOR	BLM—LAKE HAVASU SAN DISTRICT.	T14NR20WSEC13,14		AZ	86403				X	9
INTERIOR	BLM—RANCHERS EXPLO & DEV CORP., BLUEBIRD.	T1NR14ESEC35, 36		AZ	85501				X	9
INTERIOR	BLM—ROLL LANDFILL	T7SR17WSEC34	AZ		85343			X		9
INTERIOR	BLM—ZONIA COPPER MINE	T11NR4WSEC12,13,14		AZ	86332				X	9
INTERIOR	YUMA DESALTING PLT	7301 CALLE AGUA SALADO	YUMA	AZ	85364		X			9
INTERIOR	YUMA PROJECTS OFFICE USDI	3600 AVENUE SE	YUMA	AZ	85365		X			9
NAVY	MARINE CORPS AIR STATION, YUMA	AVE 3-E	YUMA	AZ	85364	X	X	X		9
AGRICULTURE	USDA SHAFTER	17053 SHAFTER AVENUE	SHAFTER	CA	93263		X			9
AIR FORCE	AIR FORCE PLANT 19	4297 PACIFIC COAST HWY	SAN DIEGO	CA	92101				X	9
AIR FORCE	AIR FORCE PLANT 42	20TH STREET & E AVES D & M	PALMDALE	CA	93550	X	X		X	9
AIR FORCE	BEALE AIR FORCE BASE	9 CSG/CC	BEALE AFB	CA	95903	X	X	X	X	9
AIR FORCE	CASTLE AFB	93 CSG/CC	CASTLE AFB	CA	95342	X	X	X	X	9
AIR FORCE	EDWARDS AIR FORCE BASE	AFFTC EDWARDS AFB	EDWARDS	CA	93523	X	X	X	X	9
AIR FORCE	GEORGE AIR FORCE BASE	331 CSG/DE	VICTORVILLE	CA	92392	X	X	X	X	9
AIR FORCE	MARCH AFB	22CSG/CC	MARCH AFB	CA	92518	X	X		X	9
AIR FORCE	MATHER AIR FORCE BASE	MATHER AFB	SACRAMENTO	CA	95655	X	X	X	X	9
AIR FORCE	MCCLELLAN AFB	SM-ALC/EM	MCCLELLAN AFB	CA	95652	X	X	X	X	9
AIR FORCE	MOFFETT FIELD ANG	129 ARRG/CC	SUNNYVALE	CA	94031		X			9
AIR FORCE	NORTON AIR FORCE BASE	63ABG/DE	NORTON AFB	CA	92409	X	X		X	9
AIR FORCE	POINT ARENA AIR FORCE STATION	26 ADS/DE	PT ARENA AFS	CA	95468				X	9
AIR FORCE	SUNNYVALE AIR FORCE STATION	6594 ABS/CC	SUNNYVALE	CA	94088		X		X	9
AIR FORCE	TRAVIS AIR FORCE BASE	60 ABG/CC	TRAVIS AFB	CA	94535	X	X	X	X	9
AIR FORCE	VANDENBERG AFB	1 STRAD/EY	LOMPOC	CA	93436	X	X	X	X	9
ARMY	DEFENSE DEPOT TRACY	CHRISMAN ROAD	TRACY	CA	95376-5000	X	X	X	X	9
ARMY	FORT HUNTER LIGGETT	FORT HUNTER LIGGETT	JOLON	CA	93928	X	X		X	9
ARMY	FORT ORD	FORT ORD	FORT ORD	CA	93941	X	X		X	9
ARMY	FT IRWIN NAT TRAINING CENTER	DEH BLDG 385	FT IRWIN	CA	92311	X	X	X	X	9
* ARMY	HAMILTON AFB	HAMILTON AIR FORCE BASE	NOVATO	CA	94947				X	9
* ARMY	LAWRENCE LIVERMORE NATL LAB—CAMP PARKS	CAMP PARKS	PLEASANTON	CA	94566		X			9
* ARMY	NI IND INC RIVERBANK PLT	5300 CLAUS RD	RIVERBANK	CA	95367	X	X			9
ARMY	OAKLAND ARMY BASE	BLDG-1 ALASKA ST	OAKLAND	CA	94626		X		X	9
ARMY	PRESIDIO OF MONTEREY CA	PRESIDIO OF MONTEREY CA	PACIFIC GROVE	CA	93941				X	9
ARMY	RIVERBANK ARMY AMMUNITION DEPOT	5300 CLAUS RD	RIVERBANK	CA	95367-0678				X	9
ARMY	SACRAMENTO ARMY DEPOT	8350 FRUITRIDGE RD	SACRAMENTO	CA	95813	X	X		X	9
ARMY	SHARPE ARMY DEPOT	ROTH RD	LATHROP	CA	95331	X	X	X	X	9
ARMY	SIERRA ARMY DEPOT	COUNTY ROUTE A26	HERLONG	CA	96113	X	X	X	X	9
DEFENSE	DEFENSE FUEL SUPPLY CENTER, NORWALK	15306 NORWALK BLVD	NORWALK	CA	90650		X	X	X	9
DEFENSE	DEFENSE FUEL SUPPLY CENTER OZOL	CARQUINEZ SCENIC DRIVE	MARTINEZ	CA	94553		X	X		9
DEFENSE	DEFENSE FUEL SUPPLY CENTER, SAN PEDRO	3171 N GAFFEY STREET	SAN PEDRO	CA	90731		X	X	X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AIR FORCE	AVON PARK AFB	56 COMBAT SUPPORT GROUP/DE	MACDILL AFB	FL	33608		X			4
AIR FORCE	CAPE CANAVERAL	6550 ABW/DER	PATRICK AFB	FL	32925		X	X	X	4
AIR FORCE	EGLIN AFB	ADTC/CCN	EGLIN AFB	FL	32542		X	X	X	4
AIR FORCE	HOMESTEAD AIR FORCE BASE.	31 CSG/DE	HOMESTEAD AFB	FL	33039		X	X		4
AIR FORCE	MACDILL AIR FORCE BASE.	56 COMBAT SUPPORT GROUP / DE	MACDILL AFB	FL	33608		X	X	X	4
AIR FORCE	PATRICK AIR FORCE BASE.	BASE CIVIL ENGINEER	PATRICK AFB	FL	32925		X	X		4
AIR FORCE	TYNDALL AIR FORCE BASE.	4756 ABG/DE	TYNDALL AFB	FL	32403		X	X	X	4
ARMY	USA AFA 49-A ORLANDO	8601 AVE B MCCOY NTC ANNEX.	ORLANDO	FL	32812		X			4
ARMY	USA AMSA 47G/MIAMI	11700 NW 27th AVE	MIAMI	FL	33167		X			4
ARMY	USA AMSA 53G/TAMPA	4823 N HUBERT AVE	TAMPA	FL	33614		X			4
ARMY	USA PALATKA AMSA 55-M	4300 ST. JOHNS AVE	PALATKA	FL	32077		X			4
DEFENSE	DEFENSE FUEL SUPPORT POINT—LYNN HAVEN.	W END OF 10TH STREET	LYNN HAVEN	FL	32444		X		X	4
DEFENSE	DEFENSE FUEL SUPPORT POINT—TAMPA.	BOX 13736	TAMPA	FL	33611		X			4
ENERGY	US DEPARTMENT OF ENERGY—PINELLAS PLANT.	7887 BRYAN DAIRY RD	LARGO	FL	34294		X	X		4
EPA	US EPA/RESEARCH LABORATORY.	SABIN ISLAND	GULF BREEZE	FL	32561		X			4
INTERIOR	BIG CYPRESS NATIONAL PRESERVE.	STAR ROUTE/LL 11	OCHOPEE	FL	33943		X			4
INTERIOR	EVERGLADES NATIONAL PARK.	PO BOX 279	HOMESTEAD	FL	33030	X				4
INTERIOR	GULF ISLAND NATIONAL SEASHORE.	FORT PICKENS RD	GULF BREEZE	FL	32561				X	4
NASA	KENNEDY SPACE CENTER.	NASA MAIL CODE DF-EMS	KENNEDY SPACE CENTER	FL	32899		X			4
NAVY	NAVAL AIR STA, JACKSONVILLE.	CODE 184 PUBLIC WKS DEPT BOX 5	JACKSONVILLE	FL	32212		X			4
NAVY	NAVAL AIR STATION, CECIL FIELD.	103RD ST. & NORMANDY BLVD.	JACKSONVILLE	FL	32215		X	X		4
NAVY	NAVAL AIR STATION, KEY WEST.	NAVAL AIR STATION	KEY WEST	FL	33042		X			4
NAVY	NAVAL AIR STATION, RICHMOND.	CORAL REEF DR	PERRINE	FL	33157				X	4
NAVY	NAVAL AIR STATION, TRUMBO PT.	PALM AVE CAUSEWAY	KEY WEST	FL	33040		X			4
NAVY	NAVAL AIR STATION, WHITING FIELD.	FL HWY 87 A	MILTON	FL	32570		X		X	4
NAVY	NAVAL COASTAL SYSTEMS CTR, PANAMA CITY.	CODE 6310MC	PANAMA CITY	FL	32407		X	X	X	4
NAVY	NAVAL STATION MAYPORT	PO BOX 265 NAVAL STATION	MAYPORT	FL	32228		X	X	X	4
NAVY	NAVAL SUPPLY CENTER FUEL DEPOT, JACKSONVILLE.	SOMERS ROAD	JACKSONVILLE	FL	32208		X			4
NAVY	NAVAL TRAINING CENTER, ORLANDO.	8TH STREET/NTC	ORLANDO	FL	32813				X	4
NAVY	NAVAL UNDERWATER SYSTEMS, CENTER, PALM BEACH.	AUTEC WEST PALM BEACH	W PALM BEACH	FL	33402		X			4
NAVY	US NAVAL AIR STATION, PENSACOLA.	US NAVAL AIR STATION	PENSACOLA	FL	32508		X			4
NAVY	USN NAVAL UNDERWATER SYSTEMS CENTER.	1650 SOUTHWEST 38TH STREET	FORT LAUDERDALE	FL	33315		X			4
TRANSPORTATION	USCG BASE, MAYPORT	PO BOX 385	MAYPORT	FL	32267		X		X	4
TRANSPORTATION	USCG BASE, MIAMI BEACH	100 MACARTHUR CSWY	MIAMI BEACH	FL	33139		X			4
TRANSPORTATION	USCG STATION, KEY WEST.		KEY WEST	FL	33040		X			4
TRANSPORTATION	USCG STATION, ST. PETERSBURG.	600 8TH AVE SE	ST PETERSBURG	FL	33701		X			4
AIR FORCE	DOBBINS AIR FORCE BASE.	94 CSG/DE	MARIETTA	GA	30060				X	4
AIR FORCE	MOODY AIR FORCE BASE/GA TAC.	347 CSG/DE	MOODY AFB	GA	31699		X	X	X	4
AIR FORCE	ROBINS AIR FORCE BASE.	2653 CES/DE	ROBINS AIR FORCE BASE	GA	31098		X	X	X	4
AIR FORCE	USAF PLANT NO. 6 LOCKHEED.	86 S COBB DRIVE	MARIETTA	GA	30063		X	X	X	4
* ARMY	USA AMSA 54G-AUGUSTA	DFAE AFZP-FEC	FORT STEWART	GA	31314				X	4
ARMY	USA FORT BENNING	GA. HWY 1 & US 27	FORT BENNING	GA	31905		X		X	4
ARMY	USA FORT GILLEM	ATTN AFZK-EH-C		GA	30330		X	X	X	4
ARMY	USA FORT GORDON & HQ USA SIGNAL CTR	ATZHFE EC	FORT GORDON	GA	30905		X			4
ARMY	USA FORT STEWART	24TH INFANTRY DIV AFZP-DEN-E	FORT STEWART	GA	31314		X	X	X	4
* ARMY	USA HUNTER ARMY AIR FIELD	24TH INFANTRY DIV AFZP-DEN-E	FORT STEWART	GA	31314		X		X	4
EPA	US EPA ENVIRONMENTAL RESEARCH LAB	COLLEGE STATION ROAD	ATHENS	GA	30613		X			4
HEALTH AND HUMAN SERVICES	CENTER FOR DISEASE CONTROL	BLDG 4 RM 232 1600 CLIFTON RD.	ATLANTA	GA	30333		X			4
HEALTH AND HUMAN SERVICES	CENTER FOR DISEASE CONTROL	447 GUFORD HIGHWAY	CHAMBLEE	GA	30341		X			4
NAVY	MARINE CORPS LOGISTICS BASE, ALBANY.	FLEMING RD	ALBANY	GA	31704		X	X	X	4

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3008	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	NAVAL SUBMARINE BASE, KINGS BAY.	GA STATE HWY SPUR	KINGS BAY	GA	31547		X	X	X	4
VETERANS ADMINISTRATION.	V A MEDICAL CENTER (ATLANTA).	1670 CLAIRMONT ROAD	DECATUR	GA	30033		X			4
AIR FORCE	ANDERSEN AFB	43 CSG/DE	YIGO	GU	96912	X	X		X	9
NAVY	APRA HARBOR NAVAL COMPLEX.	APRA HARBOR NAVAL	PITI	GU	96630				X	9
NAVY	NAVAL AIR STATION AGANA.		AGANA	GU	96637		X		X	9
NAVY	NAVAL COMM AREA MASTER STA WEST PACIFIC.	NAVCAMS WESTPAC	NAVCAMS WESTPAC	GU	96630				X	9
NAVY	NAVAL FACIL GUAM	NAVAL FACILITY, GUAM	NAVAL FACIL GUAM	GU	96630				X	9
NAVY	NAVAL HOSP, GUAM	NAVAL HOSP, GUAM	NAVAL HOSP, GUAM	GU	96630				X	9
NAVY	NAVAL SHIP REPAIR FACILITY, GUAM		AGANA	GU	96630	X	X			9
NAVY	NAVAL STATION, GUAM	NAVY PUBLIC WKS CRT	AGANA	GU	96630	X	X		X	9
NAVY	S--SA VALLEY FUEL DEPOT.	APRA HBR	PITI	GU	96630				X	9
NAVY	US NAVAL MAGAZINE	RTE 5	SANTA RITA	GU	96915		X			9
AIR FORCE	HICKAM AIR FORCE BASE	15 ABW/DE	HONOLULU	HI	96853	X	X		X	9
AIR FORCE	JOHNSTON ATOLL NAT'L WILDLIFE REFUGE.	P.O. BOX 50167	HONOLULU	HI	96850			X		9
AIR FORCE	WHEELER AFB	BASE CIVIL ENGINEER	WHEELER AFB	HI	96854		X		X	9
ARMY	ARMY AVIATION SUPPORT FACILITY #2.	GENERAL LYMAN FIELD BLDG 619	HILO	HI	96720		X			9
ARMY	FORT KAMEHAMEHA	FORT KAMEHAMEHA	HONOLULU	HI	96818		X		X	9
ARMY	FORT SHAFTER ARMY SUPPORT COMMAND, HI.	US ARMY SUPPORT COMMAND HI.	FORT SHAFTER	HI	96858		X		X	9
ARMY	MAKUA MILITARY RESERVATION.	MAKUA MILITARY RESERVATION.	WAIANAE	HI	96792	X	X			9
ARMY	SCHOFIELD BARRACKS		WAHIAWA	HI	96785		X		X	9
ARMY	TRIPLER ARMY MEDICAL CENTER.	TRIPLER ARMY MEDICAL CENTER.	HONOLULU	HI	96859		X			9
INTERIOR	BAKER NATIONAL WILDLIFE REFUGE.	P.O. BOX 50167	HONOLULU	HI	96850			X		9
INTERIOR	HOWLAND ISLAND NATIONAL WILDLIFE REFUGE.	P.O. BOX 50167	HONOLULU	HI					X	9
LABOR	CHEVRON USA INC HAWAIIAN REFINERY	91-480 MAKAKOLE RD	EWA BEACH	HI	96706	X				9
LABOR	PEPPER INDUSTRIES	91-254 KAUMI ST	EWA BEACH	HI	96706	X				9
NAVY	BARBERS POINT NAVAL AIR STATION.		BARBERS POINT	HI	96862		X		X	9
NAVY	BARBERS POINT NAVY PUBLIC WORKS CTR.	PUBLIC WORKS CENTER	BARBERS POINT	HI	96862	X	X			9
NAVY	KANEOHE BAY MARINE CORPS AIR STATION	MCAS KANEOHE BASE MOAKAPU PENIN.	KANEOHE BAY	HI	96863	X	X			9
NAVY	NAVAL MAGAZINE LUALUALEI.		WESTLOCH	HI	96860	X	X			9
NAVY	NAVAL SHIPYARD, PEARL HARBOR.		PEAR HARBOR	HI	96860	X	X		X	9
NAVY	NAVAL SUBMARINE BASE		PEARL HARBOR	HI	96860		X			9
NAVY	PACIFIC MISSILE RANGE FACILITY	PACIFIC MISSILE RANGE FACILITY	KEKAHA	HI	96752	X	X			9
NAVY	PERL HARBOR NAVAL STA	US NAVAL STA	PEARL HARBOR	HI	96860		X		X	9
NAVY	PEARL HARBOR NAVAL SUPPLY CENTER.	NAVAL BASE	PEARL HARBOR	HI	96860	X	X		X	9
NAVY	PEARL HARBOR NAVY PUBLIC WORKS CTR.	NAVAL STATION AREA	PEARL HARBOR	HI	96860	X	X		X	9
NAVY	SHORE INTERMEDIATE MAINTENANCE ACTIVITY.		PEARL HARBOR	HI	96860	X	X			9
NAVY	USN FLEET TRAINING GROUP.	1430 SOUTH AVE	PEARL HARBOR	HI	96860		X			9
NAVY	WAIAWA SHAFT	END OF WAIMONA STREET	PEARL CITY	HI	96782				X	9
ARMY	IOWA ARMY AMMUNITION PLANT.	HWY 79 OFF MIDDLETOWN ROAD.	MIDDLETOWN	IA	52638	X	X		X	7
AGRICULTURE	USDA FS CLAYTON CREEK DUMP	T 39N, R 11E, SEC 21	HEADQUARTERS	ID	83534				X	10
AIR FORCE	MOUNTAIN HOME AFB	366 CSG/DE	MOUNTAIN HOME AFB	ID	83648				X	10
ENERGY	BURLEY MAINT HQ	1247 W MAIN	BURLEY	ID	83318		X			10
ENERGY	IDAHO FALLS DIST MAINT HQ.	2275 N YELLOWSTONE AVE	IDAHO FALLS	ID	83401		X			10
ENERGY	USDOE IDAHO NAT'L ENGINEERING LAB.	AEC TESTING RESERVATION.	SCOVILLE	ID	83401				X	10
INTERIOR	BLM BLUE DOME UNAUTHORIZED DUMP	T10NR30ESEC30	BLUE DOME	ID	83484				X	10
INTERIOR	BLM BRUNEAU OPEN DUMP	T9S, R5E, SEC 4	BRUNEAU	ID	83604				X	10
INTERIOR	BLM CASSIA COUNTY #1	T 13S, R 21E, SEC 13	OAKLEY	ID	83346				X	10
INTERIOR	BLM CASSIA COUNTY #2	T 12S, R 21E, SEC 32	OAKLEY	ID	83346				X	10
INTERIOR	BLM CASSIA COUNTY #3	T 12S, R 21E, SEC 31	OAKLEY	ID	83346				X	10
INTERIOR	BLM CHAMPAGNE CREEK MINE	T2N R24E SEC15	GROUSE	ID	83242			X	X	10
INTERIOR	BLM OWYHEE CO. WILSON CREEK LDFL.	T1SR34ESEC13	MARSING	ID	83639				X	10
INTERIOR	BLM PESTICIDE DUMP SITE, REYNOLDS.	T2SR3W SEC31	REYNOLDS	ID	83630				X	10
INTERIOR	BLM PESTICIDE DUMP, MURPHY	BOISE DIST SEC 8	MURPHY	ID	83650				X	10

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM PICKLES BUTTE (DAVISON'S AIR SERVICE).	T2N/R0W/SEC20 MISSOURI AV E.SMW—MORA CANAL	NAMPA	ID	83651				X	10
INTERIOR	BLM PULLMAN MINE	T29N R4W S14	COTTONWOOD	ID	83522				X	10
INTERIOR	BLM SHOSHONE (GLEN CAVE).	T4S R17E S14	SHOSHONE	ID	83352				X	10
INTERIOR	BLM—BLACK MESA DUMP	T.4.S.,R.10.E.SEC.13		ID					X	10
INTERIOR	BLM—BUNKER HILL	834 MCKINLEY AVENUE	SHOSHONE	ID				X	X	10
INTERIOR	BLM—BUTTE NORTH ISOLATED TRACT HAZ SITE.	T12S,R21E,SEC8		ID					X	10
INTERIOR	BLM—CEDAR BUTTE S. END DUMPSITE.	T22 SR32E SEC15	ROCKFORD	ID	83221				X	10
INTERIOR	BLM—CENTRAL COVE LANDFILL.	T3NR14WSEC8,9	CALDWELL	ID				X	X	10
INTERIOR	BLM—CLARK'S AIR SERVICE AIRSTRIP—JAS BRIDGE RA.	T8S R9E SEC27		ID					X	10
INTERIOR	BLM—COW HOLLOW HAZARDOUS WASTE DUMP.	T.14.S.R.31 E.SEC.34		ID					X	10
INTERIOR	BLM—DELMAR SILVER MINE.	T.15.S.R.36.E		ID					X	12
INTERIOR	BLM—DRY LAKES AIR SERVICE AIRSTRIP—CASCADE RA.	T1N,R0W.SEC26		ID					X	10
INTERIOR	BLM—EDMONDS UNAUTHORIZED DUMP.	T7NR3&ESEC24&25	EDMONDS	ID	83446				X	10
INTERIOR	BLM—ELK CITY	T29NR9ESEC23	ELK CITY	ID				X	X	10
INTERIOR	BLM—GERMAN LAKE	T7SR3SESEC 10		ID					X	10
INTERIOR	BLM—GRACE ILLEGAL DUMP.	T10S,R30E,SEC24		ID					X	10
INTERIOR	BLM—HAMMETT DUMP	T8S,R8E,SEC28		ID					X	10
INTERIOR	BLM—HELL'S HALF ACRE, S. FINGER AND W. FINGER.	T1&R3&ESEC4&32	FIRTH	ID	83236				X	10
INTERIOR	BLM—HOWE DUMPSITE	T6NR29ESEC31	HOWE	ID					X	10
INTERIOR	BLM—HULET DUMP	AVAIL FRM ST OFFICE		ID					X	10
INTERIOR	BLM—LESLIE DUMP SITE 4 SW.	T 6N, R24E, SEC18	LESLIE	ID	83249				X	10
INTERIOR	BLM—LESLIE DUMP SITE-1	T 7N, R25E, SEC34	LESLIE	ID	83249				X	10
INTERIOR	BLM—LOWER COEUR D'ALENE RIVER.	T48NR2&3W		ID					X	10
INTERIOR	BLM—MENAN UNAUTHORIZED DUMP	T8NR38ESEC26&27		ID					X	10
INTERIOR	BLM—MORGAN'S PASTURE ROAD DUMP.	T.9NR34ESEC33&34		ID					X	10
INTERIOR	BLM—NORTH CREEK MILL	T6NR29ESEC8		ID					X	10
INTERIOR	BLM—OWYHEE CO GRANDVIEW LANDFILL.	T6SR4ESEC14		ID					X	10
INTERIOR	BLM—OWYHEE CO MARSING/HOMEDALE LF	T2NR4WSEC8		ID					X	10
INTERIOR	BLM—REEDER FLYING SERVICE AIRSTRIP #2	T9SR12ESEC13		ID					X	10
INTERIOR	BLM—REEDER FLYING SERVICE AIRSTRIP SITE 1.	T8SR12ESEC33		ID					X	10
INTERIOR	BLM—REEDER FLYING SERVICE, INC. AIRSTRIP #3.	T8SR13ESEC8	CASSIA	ID					X	10
INTERIOR	BLM—SPRINGFIELD DUMPSITE.	T3SR32ESEC12		ID					X	10
INTERIOR	BLM—SPRINGFIELD UNAUTHORIZED DUMPSITE.	T3SNR32ESEC15		ID					X	10
INTERIOR	BLM—TWIN FALLS CO #4	T12S, R 19E, SEC 12	MURTAUGH		ID	83344			X	10
INTERIOR	BLM—TWIN FALLS CO #5	T12S, R 19E, SEC 12	MURTAUGH		ID	83344			X	10
INTERIOR	BLM—TWIN FALLS CO MURTAUGH (EAST) LANDFILL.	T11SR19ESEC10	TWIN FALLS	ID	83301				X	10
INTERIOR	BLM—UPPER LITTLE LOST UNAUTHORIZED DUMP.	T11NR26ESEC10 12 MI NW OF CY/T11N, R26E, SEC 10.	CLYDE	ID	83349				X	10
INTERIOR	OWYHEE CO, MARSING/HOMEDALE LF.	JOHNSON RD—T4N R6W S 32 SW ¼	MARSING—HOMEDALE	ID	83639				X	10
INTERIOR	USBOR—BR MINIDOKA DAM.	RT. 4, BOX 202	RUPERT	ID	83350			X		10
TRANSPORTATION	USDOT—FAA MICA PEAK	COUGAR GULCH RD	COEUR D' ALENE	ID	83814				X	10
AIR FORCE	CHANUTE AIR FORCE BASE	3345 ABG/DE	RANTOUL	IL	61868	X	X	X	X	5
ARMY	JOLIET ARMY AMMO PLANT UNIROYAL MFG AREA.	6 MILES S OF ELWOOD OFF RTE. 53, WILL COUNTY.	JOLIET	IL	60434		X		X	5
ARMY	US ARMY, FORT SHERIDAN	BLDG 118, LAKE COUNTY	FORT SHERIDAN	IL	60037	X	X		X	5
ARMY	US ARMY, JOLIET LAP HONEYWELL	HIGHWAY 53 & ARSENAL AVE.	JOLIET	IL	60436	X	X			5
ARMY	US ARMY ROCK ISLAND ARSENAL.	ARSENAL ISLAND, ROCK ISLAND COUNTY.	ROCK ISLAND	IL	61201	X	X	X	X	5
ARMY	US ARMY, SAVANNA ARMY DEPOT.	7 MILES N OF SAVANNA ON RTE 84, CARROL COUNTY.	SAVANNA	IL	61074	X	X	X	X	5
ARMY	US ARMY, ST. LOUIS AREA SUPPORT CENTER.	RT. 3 & NIEDRINGHOUSE AVENUE MACISCA.	GRANITE CITY	IL	62040	X	X	X	X	5

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AIR FORCE	OTIS AIR FORCE BASE	MASS MILITARY RESERVATION 102 FIW/CC.	FALMOUTH	MA	02542		X		X	1
AIR FORCE	WESTOVER AIR FORCE BASE.	439CSG/CC	CHICOPEE	MA	01022	X	X	X	X	1
ARMY	GENERAL ELECTRIC CO.—EVERETT.	42 TREMONT STREET	EVERETT	MA	02149	X			X	1
ARMY	GENERAL ELECTRIC—LYNN.	49 FEDERAL STREET	LYNN	MA	01901				X	1
ARMY	US ARMY, FORT DEVENS	BUENA VISTA ST	AYER	MA	01433	X	X	X	X	1
ARMY	US ARMY MATLS AND MECH RES CTR.	ARSENAL ST	WATERTOWN	MA	02172	X	X	X	X	1
ARMY	US ARMY RESEARCH DEVEL. AND ENGINEERING CTR.	KANSAS ST	NATICK	MA	01760		X	X		1
ARMY	USW ARMY NATICK R&D LABS, SUDBURY ANX.	HUDSON RD	SUDBURY	MA	01776				X	1
INTERIOR	CAPE COD SEASHORE	EAST OFF ROUTE 6	WELLFLEET	MA	02667				X	1
INTERIOR	PROVINCETOWN SANITARY LANDFILL.	WEST OFF RACE POINT ROAD.	PROVINCETOWN	MA	02657				X	1
NAVY	BOSTON NAVAL SHIPYARD		CHARLESTOWN	MA	02129				X	1
NAVY	USN NAS S WEYMOUTH		WEYMOUTH	MA	02190		X			1
POSTAL SERVICE	US POSTAL SERVICE	135 A STREET	BOSTON	MA	02210		X			1
POSTAL SERVICE	US POSTAL SERVICE	POST OFFICE SQUARE	LOWELL	MA	01853		X			1
TRANSPORTATION	COAST GUARD, & WEYMOUTH BOUY DET.	TROTTER ROAD	WEYMOUTH	MD	02190	X	X			1
TRANSPORTATION	USCG BASE, WOODS HOLE.	LITTLE HARBOR ROAD	FALMOUTH	MD	02543		X			1
AGRICULTURE	FDA—BELTSVILLE AGRICULTURAL RES. CTR.	BUILDINGS 1321 & 284 BARL, MURKIRK RD.	BELTSVILLE	MD	20705		X	X	X	3
AIR FORCE	ANDREWS AIR FORCE BASE.	1776 ABW/DE	CAMP SPRINGS	MD	20331	X	X	X	X	3
ARMY	ABERDEEN PROVING GROUND	ATTN STEAP-FE-M	ABERDEEN	MD	21005	X	X	X	X	3
ARMY	FORT DETRICK—FREDERICK CAN.	FT DETRICK	FREDERICK	MD	21701	X	X	X	X	3
ARMY	FORT MEADE	MD RT 175	FORT MEADE	MD	20755	X	X	X	X	3
ARMY	FORT RITCHIE	FORT RICHIE	FORT RICHIE	MD	21719		X			3
ARMY	HARRY DIAMOND LABS—ADELPHI.	BLDG-FE 2800 POWDER MILL	ADELPHI	MD	20783	X	X	X	X	3
ARMY	NATIONAL SECURITY AGENCY.	9800 SAVAGE ROAD	FORT MEADE	MD	20755		X			3
ARMY	PHOENIX CONTROL (NIKE)	SUNNYBROOK ROAD	JACKSONVILLE	MD	21131				X	3
ARMY	WALTER REED ARMY MEDICAL CENTER.	3461 LINDEN LANE	SILVER SPRING	MD	20910		X			3
COMMERCE	NATIONAL BUREAU OF STANDARDS.	QUINCE ORCHARD RD	GAITHERSBURG	MD	20760		X			3
DENFENSE	NSA (FANS I, II, III)	ELKRIDGE LANDING RD	LINTHICUM	MD	21090	X				3
GENERAL SERVICES ADMIN.	GSA CURTIS BAY DEPOT	ORDNANCE ROAD	BALTIMORE	MD	21226		X	X		3
HEALTH AND HUMAN SERVICES.	NIH BETHESDA	9000 ROCKVILLE PIKE	BETHESDA	MD	20205	X	X	X	X	3
HEALTH AND HUMAN SERVICES.	FDA CENTER OF VETERINARY MEDICINE.	MURKIRK & ODELL RD	BELTSVILLE	MD	20705		X			3
HEALTH AND HUMAN SERVICES.	FDA BELTSVILLE RESEARCH COM.	6301 MURKIRK RD RTE 2	BELTSVILLE	MD	20705		X			3
HEALTH AND HUMAN SERVICES.	FDA CENTER FOR DEVICES AND RADIATION.	12709 TWINBROOK PKWY	ROCKVILLE	MD	20857		X			3
HEALTH AND HUMAN SERVICES.	NCI—FREDERICK CANCER RESEARCH.	FORT DETRICK	FREDERICK	MD	21701		X	X		3
HEALTH AND HUMAN SERVICES.	NIH ANIMAL CENTER	ELMER SCHOOL ROAD	POOLESVILLE	MD	20837		X			3
HEALTH AND HUMAN SERVICES.	NIH-NIA GERONTOLOGY RESEARCH.	4940 EASTERN AVE	BALTIMORE	MD	21224		X			3
INTERIOR—FISH AND WILDLIFE.	FWS PATUXENT WILDLIFE RES. CTR.	RT. 197 AT POWDERMILL ROAD.	LAUREL	MD	20708			X		3
NASA	GODDARD SPACE FLIGHT CENTER.	GREENBELT ROAD	GREENBELT	MD	20771		X			3
NAVY	DAVID W TAYLOR NAVAL R&D YARD.	OLD SEVERN RIVER BRIDGE.	ANNAPOLIS	MD	21402		X		X	3
NAVY	NAS PATUXENT RIVER	NE OF ROUTE 235	PATUXENT RIVER	MD	20670	X	X		X	3
NAVY	NATIONAL NAVAL MEDICAL CENTER.	NATIONAL CAPITAL REGION.	BETHESDA	MD	20814		X			3
NAVY	NAV. ORD. STATION, INDIAN H EAD	RTE 210 MARYLAND	INDIAN MEAD WW	MD	20640	X	X	X	X	3
NAVY	NAVAL ACADEMY	N/A	ANNAPOLIS	MD	21402	X	X	X	X	3
NAVY	NAVAL AIR FACILITY	ANDREWS AIR FORCE BASE.	CAMP SPRINGS	MD	20390		X			3
NAVY	NAVAL COMMUNICATION UNIT, WASHINGTON.	DANGERFIELD & COMMON RD.	CLINTON	MD	20735		X			3
NAVY	NAVAL ELECTRONIC SYS ENG ACTIVITY, SAINT INIGOES.	ST INIGOES	SAINT INIGOES	MD	20684		X			3
NAVY	NAVAL RESEARCH LAB LAUNCH.	BERRY ROAD	WALDORF	MD						3
NAVY	NAVSUPPFAC THURMONT	BOX 1000	THURMONT	MD	21788				X	3
NAVY	NSWC WHITE OAK	10901 NEW HAMPSHIRE AVE.	WHITE OAK	MD	20903	X	X	X	X	3
NAVY	USN BLOODSWORTH ARCHIPELAGO.	N POTOMAC R RUNS CHESAPE A.	N/A	MD					X	3
TRANSPORTATION	US COAST GUARD YARD	HAWKINS PT RD	BALTIMORE	MD	21226		X			3
AIR FORCE	LORING AIR FORCE BASE	42CSG/CC	LIMESTONE	ME	04751	X	X	X	X	1

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
DEFENSE	FUEL SUPPORT PT CASCO BAY.	RT 123 SOUTH HARPSWELL NECK.	CUMBERLAND	ME	04079		X	X	X	1
DEFENSE	FUEL SUPPORT PT SEARSPORT.	TRUNDY ROAD	SEARSPORT	ME	04974		X	X	X	1
INTERIOR	SEAL ISLAND NATIONAL WILDLIFE REFUGE.	SEAL SOUND	CALAIS	ME	04841				X	1
NAVY	BRUNSWICK NAS	BOUNDED BY ROUTES 24 & 123.	BRUNSWICK	ME	04011	X	X		X	1
NAVY	NAVAL SECURITY GROUP ACTIVITY.	ROUTE 199	WINTERHARBOR	ME	04693		X		X	1
NAVY	US NAVAL SEC GRP OPERATIONS SITE.		COREA	ME	[illegible]				X	1
NAVY	USN NAVAL COMMUNICATIONS UNIT.		CUTLER	ME	[illegible]		X			1
NAVY	USN PORTSMOUTH NAVAL SHIPYARD.	SEAVY ISLAND	KITTERY	ME	03904	X	X		X	1
TRANSPORTATION	USCG BASE SOUTH PORTLAND.	HIGH STREET	SOUTH PORTLAND	ME	04106		X			1
AIR FORCE	K.I. SAWYER AIR FORCE BASE.	410 CSG/DE	GWINN	MI	49843	X	X	X	X	5
AIR FORCE	SELFRIDGE AIR NATIONAL GUARD.		SELFRIDGE	MI	48045		X			5
AIR FORCE	US AIR FORCE PHELPS/COLLINS AP.		ALPENA	MI	49707		X			5
AIR FORCE	WURTSMITH AIR FORCE BASE.	379 COMBAT SUPPORT GROUP/CC.	OSCODA	MI	48753	X	X	X		5
ARMY	US ARMY TANK AUTOMOTIVE COMMAND.	6501 E. 11 MILE RD, MACOMB COUNTY.	WARREN	MI	48090	X	X			5
COMMERCE	GREAT LAKES ENVIRON. RESEARCH LAB, NOAA.	2300 WASHTENAW AVE	ANN ARBOR	MI	48104			X		5
DEFENSE	DEFENSE FUEL SUPPORT POINT.	RR RT. 1 GLADSTONE	DELTA	MI	49837			X		5
DEFENSE	US DEPT OF DEFENSE DFSP ESCANABA.	US HIGHWAY 41, DELTA COUNTY.	GLADSTONE	MI	49837				X	5
EPA	US EPA MOTOR VEHICLE EMISSION LAB.	2565 PLYMOUTH ROAD	ANN ARBOR	MI	48105		X			5
INTERIOR	ISLE ROYALE NATIONAL PARK.	87 N. RIPLEY ST	HOUGHTON	MI	49931		X			5
POSTAL SERVICE	US POSTAL SERVICE GARAGE.	10325 LYNDON	DETROIT	MI	48238		X			5
POSTAL SERVICE	USPS ALLEN PARK GARAGE	17500 OAKWOOD BLVD	ALLEN PARK	MI	48101		X			5
TRANSPORTATION	US COAST GUARD STATION, CHARLEVOIX.	320 COASTGUARD ROAD	CHARLEVOIX	MI	49720		X			5
AGRICULTURE	US DEPT OF AGRI CHIPPEWA NAT. FOREST.	RT. 1	CASS LAKE	MN	56633		X			5
ARMY	TWIN CITIES AAP	JCT HWY 10 & MN HWY 965, RAMSEY COUNTY.	ARDEN HILL	MN	55112	X	X	X	X	5
HEALTH AND HUMAN SERVICES.	RED LAKE PHS INDIAN HOSPITAL.	PHS HOSPITAL	RED LAKE	MN	56671		X			5
INTERIOR	US DOI TAMARAC NATIONAL WILDLIFE REFUGE.	RURAL ROUTE	ROCHERT	MN	56578		X			5
INTERIOR	US FISH & WILDLIFE REGIONAL SIGN CENTER.	FRONT AND KANSAS	WINONA	MN	55987		X			5
NAVY	NAVAL IND. RESERVE ORDNANCE PLANT.	4800 E. RIVER ROAD	FRIDLEY	MN	55421	X	X		X	5
POSTAL SERVICE	USPS MNPLS-ST. PAUL BULK MAIL CENTER.	3185 S. LEXINGTON AVE	ST. PAUL	MN	55121		X			5
TRANSPORTATION	US COAST GUARD GROUP, DULUTH.	1301 MINNESOTA AVE	DULUTH	MN	55802		X			5
AIR FORCE	RICHARDS GEBAUR AFB	424 CSG/DE	BELTON	MO	64030			X		7
AIR FORCE	WHITEMAN A.F.B.	357 CSG/CC	KNOBNOSTER	MO	65305	X	X			7
ARMY	FT. LEONARD WOOD	ARTILLERY FIRING RANGE	FT. LEONARDWOOD	MO	65473	X	X		X	7
ARMY	JEFFERSON BARRACKS LDF.	GREGG AND SOUTH ROAD	ST. LOUIS	MO	63123				X	7
ARMY	LAKE CITY AAP	JCT MO HWY 7 & HWY 78	INDEPENDENCE	MO	64050	X	X	X	X	7
ARMY	MO-AVCRAD	2501 LESTER JONES AVE	SPRINGFIELD	MO	65803		X			7
ARMY	ST. LOUIS ORDNANCE PLANT.	4300 GOODFELLOW BLVD	ST. LOUIS	MO	63120		X		X	7
ARMY	US ATC ENGINEER & FT. LEONARD WOOD.	FORT LEONARDWOOD 144	PULASKI	MO	65473	X	X		X	7
ARMY	US CORP OF ENGINEERS	CLEARWATER LAKE	PIEDMONT	MO	63957		X			7
ARMY	WELDON SPRINGS TRAINING AREA, FT LNRDWD.	25 MILES W. OF ST. LOUIS	ST. CHARLES	MO	63301				X	7
DEFENSE	DEFENSE MAPPING—FEE	3200 S. SECOND STREET	ST. LOUIS	MO	63118		X			7
DEFENSE	DEFENSE MAPPING AGENCY—FEE.	8800 S. BROADWAY	ST. LOUIS	MO	63118		X			7
ENERGY	US DOE KANSAS CITY PLANT.	2000 E. 95TH (TROOST)	KANSAS CITY	MO	64131	X	X	X	X	7
ENERGY	WELDON SPRING CHEMICAL PLANT.	ST HYW 94 2 MI S OF US 40.		MO	63301		X			7
EPA	US EPA LABORATORY	25 FUNSTON ROAD	KANSAS CITY	MO	66115	X	X	X		7
EPA	US EPA MOBILE INCINERATION SYSTEM.	SE¼ NW¼, NW¼ SEC 20	MCDOWELL	MO	65789		X			7
GENERAL SERVICES ADMIN.	FEDERAL CENTER	2306 EAST BANNISTER ROAD	KANSAS CITY	MO	64131			X		7
GENERAL SERVICES ADMINISTRATION.	GENERAL SERVICES ADMINISTRATION.	1500 BANNISTER ROAD	KANSAS CITY	MO	64131		X			7
INTERIOR	JEFFERSON NATIONAL EXPANSION.	2ND & POPLAR STREET	ST. LOUIS	MO	63102		X			7

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AGRICULTURE	USDA SEA IFA RESEARCH LABORATORY.	3925 E 25TH AVE PO BOX 2230	GULFPORT	MS	39503		X			4
AIR FORCE	COLUMBUS AIR FORCE BASE.	14 ABG/DE	COLUMBUS AFB	MS	39701		X	X	X	4
AIR FORCE	KEESLER AFB	3340 CES/DE	KEESLER AFB	MS	39534		X	X	X	4
ARMY	MISSISSIPPI ARMY AMMO PLANT.	BLDG 9101 NASH HSTL		MS	39529		X		X	4
ARMY	USA ENGR ENVIRON LAB WATERWAYS EXP STA.	PO BOX 631	VICKSBURG	MS	39180		X	X	X	4
NAVY	NAVAL AIR STATION, MERIDIAN.	PUBLIC WORKS DEPARTMENT	MERIDIAN	MS	39309		X			4
NAVY	NAVAL CONSTRUCTION BATTALION CTR.	33RD AVE	GULFPORT	MS	39501		X		X	4
AGRICULTURE	LEWIS & CLARK NATIONAL FOREST.	BOX 871	GREAT FALLS	MT	59403			X		8
AIR FORCE	MALMSTROM AIR FORCE BASE.	FACILITY 1501 PERIMETER RD.	GREAT FALLS	MT	59402	X	X	X	X	8
▲ ARMY	MT. ANG OMS #5	GALLATIN COUNTY AIRPORT.	BELGRANDE	MT	59714		X			8
INTERIOR	BLM—ERMONT MILL TAILINGS.	T9BR11WSEC35		MT					X	8
INTERIOR	BLM—ILLEGAL AIRSTRIP JOHN GREYTAK.	T11NR27ESEC8		MT					X	8
INTERIOR	BLM—JET FUEL REFINERY SITE.	T14NR31E	MOSBY	MT					X	8
INTERIOR	BLM—BLUICE GULCH LEAKING ADIT.	T9BR15WSEC8		MT					X	8
INTERIOR	BLM—THORIUM CITY WASTE DUMP.	T10BR15WSEC21		MT					X	8
INTERIOR	BLM—TUNGSTEN MILL TAILINGS.	T4WR6WSEC4, 5, 9		MT					X	8
INTERIOR	CHARLES M. RUSSELL REFUGE.	T21N, R1E, SEC.15	TURKEY JOE LANDING	MT	59487		X		X	8
INTERIOR	NATIONAL BISON RANGE	CNTY RD 212 IN MOIESE	MOIESE	MT	59824		X			8
AGRICULTURE	US FOREST SERVICE	SWAIN COUNTY LANDFILL SR 1311.	BRYSON CITY	NC	28713			X		4
AGRICULTURE	USDA—FS GRAHAM COUNTY LANDFILL		GRAHAM COUNTY	NC				X		4
AIR FORCE	POPE AIR FORCE BASE	317 CSG/DE	POPE AFB	NC	28308		X		X	4
AIR FORCE	SEYMOUR JOHNSON AIR FORCE BASE.	4 CSG/DE	SEYMOUR JOHNSON AFB	NC	27531		X	X	X	4
COMMERCE	NATIONAL MARINE FISHERIES SERVICE	RIVERS ISLAND OFF US HWY 70 WEST.	BEAUFORT	NC	28512		X			4
HEALTH AND HUMAN SERVICES.	NAT INST OF ENVIRON. HEALTH SCI.	9 ON ALEXANDER DR	RESEARCH TRI PARK	NC	27709		X		X	4
NAVY	MARINE CORPS AIR STATION, CHERRY POINT.	NC HWY 101	CHERRY POINT	NC	28533		X	X	X	4
NAVY	MARINE CORPS AIR STATION, NEW, RIVER.	FIRE FIGHTING TRAINING PIT.	JACKSONVILLE	NC			X			4
NAVY	MARINE CORPS AUXILIARY LANDING FIELD BURN PIT.	MCALF BOGUE	MOREHEAD CITY	NC	28557				X	4
NAVY	MARINE CORPS BASE, CAMP LEJEUNE.	NC HWY 24 & US HWY 19	CAMP LEJEUNE	NC	28542		X	X	X	4
TRANSPORTATION	USCG FORT MACON STATION.	PO BOX 237	ATLANTIC BEACH	NC	28512		X		X	4
TRANSPORTATION	USCG SUPPORT CENTER	HWY 34 S/448, S OF	ELIZABETH CITY	NC	27909		X	X		4
AGRICULTURE	METABOLISM & RADIATION RESEARCH LAB.	1605 W. COLLEGE ST	FARGO	ND	58105		X	X	X	8
AIR FORCE	GRAND FORKS AIR FORCE BASE.	321 CSG/DC	GRAND FORKS	ND	58205	X	X	X	X	8
AIR FORCE	MINOT AIR BASE	41 CSG/DC	MINOT AFB	ND	58705	X	X	X	X	8
▲ ARMY	ND ANG ARMY AVIATION SUPPORT FACILITY.	BISMARK CITY AIRPORT—BLDG. 100.	BISMARCK	ND	58501		X			8
▲ ARMY	ND ANG COMBINED SUPPORT MAINT SHOP.	CAMP GILBERT GRAFTON, BLDG. 5600.	DEVILS LAKE	ND	58201		X			8
▲ ARMY	ND ANG ORGAN. MAINT SHOP NO. 3.	2913 NO. WASHINGTON STREET.	GRAND FORKS	ND	58206		X			8
▲ ARMY	ND ANG ORGAN. MAINT SHOP NO. 4.	PRAINE BARRACKS, BLDG. 250.	BISMARK	ND	58502		X			8
▲ ARMY	ND ANG ORGAN. MAINT SHOP NO. 5.	US HWY 281 NORTH AND 15TH ST NW.	JAMESTOWN	ND	58402		X		X	8
▲ ARMY	ND ANG ORGAN. MAINT SHOP NO. 6.	VALLEY CITY MUNICIPAL AIRPORT.	VALLEY CITY	ND	58072		X			8
▲ ARMY	ND ANG ORGAN. MAINT SHOP NO. 7.	OLD AT. HWY 21 & INDIANA AVE.	MOTT	ND	58646		X			8
▲ ARMY	ND ANG UNIT TRAINING EQUIPMENT SHOP.	CAMP GILBERT GRAFTON, BLG. 6600.	DEVILS LAKE	ND	58301		X			8
DEFENSE	DEFENSE FUEL SUPPORT POINT, GRAND FORKS.	GRAND FORKS AFB, 42ND STREET.	GRAND FORKS	ND	58201		X	X	X	8
AGRICULTURE	ROMAN L HRUSKA MEAT ANIMAL RESOURCE CNTR.	STATE SPUR 19D		NE	68933		X			7
AIR FORCE	OFFUTT AIR FORCE BASE	55 CSG/CC	OFFUTT AFB	NE	68113	X	X		X	7
INTERIOR	MCMURTRY MARSH	SOUTH HIGHWAY 6, 10 MILES EAST OF HASTINGS.	HASTINGS	NE					X	7
NAVY	NAVAL RESERVE CENTER LINCOLN.	1625 N 10TH ST.	LINCOLN	NE	68508				X	7
NAVY	NAVAL SUPPORT ACTIVITY	PORT OMAHA	OMAHA	NE					X	7
AIR FORCE	PEASE AIR FORCE BASE	509 CSG/DC	PORTSMOUTH	NH	03801	X	X		X	1

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
DEFENSE	DEFENSE FUEL SUPPORT, POINT MELVILLE.	ROUTE 114	PORTSMOUTH	NH	03871		X	X	X	1
DEFENSE	US DEFENSE FUEL SUPPORT—PT NEWINGTON	PATTERSON LANE	NEWINGTON	NH	03801		X	X	X	1
AIR FORCE	MCGUIRE AIR FORCE BASE	438 ABG/DE	WRIGHTSTOWN	NJ	08641	X	X	X	X	2
* ARMY	FORT DIX LANDFILL	JULISTOWN—BROWNS MILLS ROAD.	WRIGHTSTOWN	NJ	08[illegible]				X	2
ARMY	FORT MONMOUTH	MARCONI ROAD	FORT MONMOUTH	NJ	07703	X	X	X	X	2
ARMY	MILITARY OCEAN TERMINAL	FOOT OF 33RD STREET	BAYONNE	NJ	07002	X	X	X	X	2
ARMY	PICATINNY ARSENAL	OFF ROUTE 15	DOVER	NJ	07801	X	X	X	X	2
ARMY	SFC NV BRITTAN USAR CENTER.	28TH AND FEDERAL STREET.	CAMDEN	NJ	08105		X			2
ARMY	STORCH U.S. ARMY RESERVE CENTER.	SHORE ROAD	NORTHFIELD	NJ	08225		X			2
ARMY	STRYKER USAR CENTER	2150 NOTTINGHAM WAY	TRENTON	NJ	08619		X			2
ARMY	U.S. ARMY TRAINING CENTER AT FT. DIX	JULISTOWN—BROWNS MILLS ROAD	WRIGHTSTOWN	NJ	08562	X	X	X		2
▲ ARMY	UNIT TRAINING AND EQUIPMENT SITE	P.O. BOX 278, COUNTY HWY 539	PLUMSTEAD TWP	NJ	08533		X			2
COMMERCE	MACOM LASER DIODE	130 SOMERSET STREET	NEW BRUNSWICK	NJ	08901		X			2
COMMERCE	NOAA/NMFS/NEFC	SANDY HOOK LABORATORY	HIGHLANDS	NJ	07732		X			2
ENERGY	ERDA—NEW BRUNSWICK LAB.	960 JERSEY AVENUE	NEW BRUNSWICK	NJ	08903				X	2
ENERGY	MAYWOOD INTERIM STORAGE SITE.	ROUTE 17 AND GROVE STREET.	MAYWOOD	NJ	07662				X	2
ENERGY	MIDDLESEX SAMPLING PLANT.	739 MOUNTAIN AVENUE	MIDDLESEX	NJ	08846				X	2
ENERGY	PRINCETON PLASMA PHYSICS LABORATORY.	FORRESTAL CAMPUS	PRINCETON	NJ	08544		X	X		2
ENERGY	WR GRACE AND CO.	668 BLACK OAK RIDGE	POMPTON PLAINS	NJ	07444				X	2
GENERAL SERVICES ADMIN.	GSA RARITAN DEPOT	4700 WOODBRIDGE AVENUE	EDISON	NJ	08817	X	X	X	X	2
GENERAL SERVICES ADMIN.	GSA SUPPLY DEPOT	BELLE MEADE #1 ROUTE 206	BELLE MEAD	NJ	08502		X		X	2
INTERIOR	EDWIN B. FORSYTHE NAT'L WILDLIFE REFUGE	700 WEST BAY AVENUE	BARNEGAT	NJ	08005			X		2
INTERIOR	GATEWAY NATIONAL RECREATIONAL AREA	FORT HANCOCK	SANDY HOOK—BROOKLYN	NJ	07732		X	X	X	2
INTERIOR	GREAT SWAMP NAT'L WILDLIFE REFUGE	RD 1, BOX 152	BASKING RIDGE	NJ	07920			X		2
INTERIOR	MORRISTOWN NATIONAL HISTORICAL PARK	JOCKEY HOLLOW ROAD	MORRISTOWN	NJ	07960		X			2
NAVY	EARLE NAVAL WEAPONS STATION	TYLERLANE AND TEXAS ROAD	WALL TWP	NJ	07722	X	X	X	X	2
NAVY	NAVAL AIR ENGINEERING CENTER LAKEHURST	HANCOCK ROAD OFF ROUTE 547	LAKEHURST	NJ	08733	X	X	X	X	2
NAVY	NAVAL AIR PROPULSION CENTER, TRENTON	PARKWAY AVENUE	TRENTON	NJ	08628	X	X		X	2
TRANSPORTATION	FAA-NAFEC	ROUTES 563 AND 575	POMONA	NJ	08405				X	2
TRANSPORTATION	USCG STATION—BARNEGAT	8TH AND BAYVIEW	BARNEGAT LIGHT	NJ	08006		X			2
VETERANS ADMINISTRATION	GSA/VA DEPOT	ROUTE 206	SOMERVILLE	NJ	08876				X	2
VETERANS ADMINISTRATION	VA MEDICAL CENTER	KNOLLCRAFT ROAD	LYONS	NJ	07939		X		X	2
VETERANS ADMINISTRATION	VA MEDICAL CENTER	TREMONT AVE	EAST ORANGE	NJ	07019		X			2
VETERANS ADMINISTRATION	VA SUPPLY DEPOT	ROUTE 206	HILLSBOROUGH TWP	NJ	08853				X	2
AIR FORCE	CANNON AIR FORCE BASE	275 CSG/DE	CANNON AFB	NM	88103	X	X	X	X	6
AIR FORCE	HOLLOMAN AIR FORCE BASE	833 CSG/DE	HOLLMAN AFB	NM	88330	X	X	X	X	6
AIR FORCE	KIRTLAND AIR FORCE BASE	1606 CSG/DE	KIRTLAND AFB	NM	87117	X	X		X	6
ARMY	US ARMY—FORT WINGATE DEPOT ACTIVITY	10 MILES EAST OF GALLUP ON I-10	GALLUP	NM	87310	X	X		X	6
ARMY	US ARMY—WHITE SANDS MISSILE RANGE		WHITE SANDS	NM	88002	X	X		X	6
ENERGY	LOS ALAMOS SCIENTIFIC LABORATORY	WEST JEMEZ ROAD	LOS ALAMOS	NM	87544	X	X	X	X	6
ENERGY	US DOE SANDIA NATIONAL LABORATORIES		ALBUQUERQUE	NM	87116	X	X	X	X	6
ENERGY	US DOE TONOPAH TEST RANGE	ALBUQUERQUE OPERATIONS OFFICE PO BOX 5400	ALBUQUERQUE	NM	87115		X			6
INTERIOR	BLM LAS CRUCES LAND FILL	T23S,R2E,SEC11	LAS CRUCES	NM	88001				X	6
INTERIOR	BLM-AMAX CHEMICAL	EDDY COUNTY	ARTESIA	NM	88701				X	6
INTERIOR	BLM-ARTESIA LANDFILL	T17SR25ESEC10	ARTESIA	NM	88210				X	6
INTERIOR	BLM-BLANCO LANDFILL	T29NR10WSEC13	BLANCO	NM	87412				X	6
INTERIOR	BLM-BLOOMFIELD CITY LANDFILL	T29NR11WSEC34	BLOOMFIELD	NM	87413				X	6
INTERIOR	BLM-BLUE CANYON AL LOTMENT	T20SR5WSEC8	HATCH	NM	87937				X	6
INTERIOR	BLM-DUVAL COMPANY	EDDY COUNTY	CARLSBAD	NM	88220				X	6
INTERIOR	BLM-FLORA VISTA LAND FILL	T30NR12WSEC3	FLORA VISTA	NM	87415			X	X	6
INTERIOR	BLM-HATCH LANDFILL	T14SR3WSEC4LOT1		NM					X	6

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM—I&W OIL SERVICE ROSWELL	T20SR31ESEC17, 18	LOVING	NM	87415				X	6
INTERIOR	BLM—INTERNATIONAL MANERALS & CHEMICAL	ROSWELL	ROSWELL	NM					X	6
INTERIOR	BLM—KERR-MCGEE CHEM CORP HOBBS POTASH	LEE COUNTY	HOBBS	NM	88240				X	6
INTERIOR	BLM—KERR-MCGEE LAGUNA TOSTON	LEE COUNTY	HOBBS	NM	88240				X	6
INTERIOR	BLM—KIRTLAND LANDFILL	T30NR14WSEC31	KIRTLAND	NM	87412			X	X	6
INTERIOR	BLM—LA MESA	T25SR2ESEC34	LA MESA	NM	88044				X	6
INTERIOR	BLM—LA UNION LANDFILL	T27SR3ESEC18	LA UNION	NM	88021				X	6
INTERIOR	BLM—LEE ACRES LANDFILL	T29NR12WSEC22	FARMINGTON	NM	87401			X	X	6
INTERIOR	BLM—LOCO HILLS LANDFILL	T17SR30ESEC22		NM					X	6
INTERIOR	BLM—MARATHON OIL CO., INDIAN BASIN PLANT	NOT FOUND IN REGION		NM						6
INTERIOR	BLM—MESILLA LANDFILL	T24WR1ESEC14		NM						6
INTERIOR	BLM—NATIONAL POTASH CO.	EDDY & LEE COUNTYS	CARLSBAD	NM	88220				X	6
INTERIOR	BLM—POTASH CO. OF AMERICA (PCA)	EDDY COUNTY	CARLSBAD	NM	88220				X	6
INTERIOR	BLM—SOUTH FARMINGTON SANITARY LANDFILL	T29NR13WSEC20	FARMINGTON	NM	87401				X	6
INTERIOR	BLM—STANDARD TRANSPIPE CORP.	T17SR9ESEC18,19	ALAMOGARDO	NM	88310				X	6
INTERIOR	BLM—WASTE ELEC. TRANSFORMER SITE NO. 1	T4SR11WSEC17,20	SOCORRO	NM	87801				X	6
INTERIOR	BLM—WATERFLOW LANDFILL	T30NR16WSEC35	WATERFLOW	NM	87421				X	6
INTERIOR	MONTEREY CONSTRUCTION COMPANY.	HIGHWAY 285	CARLSBAD	NM	88220		X			6
INTERIOR	U. OF NM HAZ WASTE STORAGE FACILITY.	T23SR2ESEC23	LAS CRUCES	NM	88001	X		X	X	6
NASA	NASA—JSC WHITESANDS TEST FACILITY.	LAS CRUCES	NM	88004	X	X	X	X	6	
VETERANS ADMINISTRATION	VETERANS ADMINISTRATION HOSPITAL	2100 RIDGECREST	ALBUQUERQUE	NM	87106		X	X		6
# AIR FORCE	NELLIS AFB	554 CSW/DE	NELLIS AFB	NV	89191	X	X	X	X	9
# ARMY	HAWTHORNE ARMY AMMUNITION PLANT		HAWTHORNE	NM	89416	X	X	X	X	9
▲ ARMY	US PROP FISCAL OFC FOR NV	2801 S. CARSON ST	CARSON CITY	NM	89701		X			9
ENERGY	US DOE NEVADA TEST SITE	PO BOX 98518	LAS VEGAS	NV	89193-8518	X	X	X	X	9
INTERIOR	BLM—AARON MINING	T26NR47ESEC9	ESMERELDA	NV	89421				X	9
INTERIOR	BLM—ALL MINERALS INC.	T12NR46ESEC10	NYE	NV	89045				X	9
INTERIOR	BLM—AMERICAN BORATE COMPANY.	T18SR49ESEC1	NYE	NV					X	9
INTERIOR	BLM—ANTELOPE VALLEY PESTICIDE	T25NR42ESEC18	LANDER	NV	89310				X	9
INTERIOR	BLM—ARGENTUM MILL	T2NR36ESEC17		NV					X	9
INTERIOR	BLM—AUSTIN WELL	T40NR35ESEC32	NUMBOLDT	NV	98445				X	9
INTERIOR	BLM—BAR RESOURCES INC BUCKHORN MINE.	T26NR49ESEC30		NV					X	9
INTERIOR	BLM—BUNKER HILL CO	T1NR67ESEC29	LINCOLN	NV					X	9
INTERIOR	BLM—CANDELARIA PARTNERS CMC	T34NR35ESEC2733435		NV					X	9
INTERIOR	BLM—CARLIN GOLD MINE	T33NR50ESEC14	EUREKA	NV					X	9
INTERIOR	BLM—CHROMALLOY MINING & MILLING	T42NR62ESEC17	ELKO	NV					X	9
INTERIOR	BLM—CHROMALLOY MINING & MILLING	T42NR63ESEC11	ELKO	NV					X	9
INTERIOR	BLM—CORTEZ JOINT VENTURE	T27NR47ESEC13		NV					X	9
INTERIOR	BLM—CRESCENT MINING LTD (REST MINE)	T26SR1ESEC31	LANDER	NV	89821				X	9
INTERIOR	BLM—CRESCENT VALLEY MILL	T29NR48ESEC24	EUREKA	NV					X	9
INTERIOR	BLM—CYPRUS MINING CORP	T13NR46ESEC19	NYE	NV	89045				X	9
INTERIOR	BLM—D&Z EXPLORATION CO	T29NR34ESEC32	PERSHING	NV					X	9
INTERIOR	BLM—DEE GOLD CORP	T37NR50ESEC8	ELKO	NV					X	9
INTERIOR	BLM—DOUBLE EAGLE INC LOWER ROCHESTER	T28NR34ESEC18	PERSHING	NV	89419				X	9
INTERIOR	BLM—DOUGLAS COUNTY LANDFILL	T12NR21ESEC18	DOUGLAS	NV	89410				X	9
INTERIOR	BLM—DRESSER MINERALS GREYSTON	T28NR48ESEC19	LANDER	NV	89820				X	9
INTERIOR	BLM—DUVAL CORP MINE SITE	T31NR43ESEC23,24,25	LANDER	NV					X	9
INTERIOR	BLM—EISMAN CHEMICAL CO	T34NR52ESEC32	EUREKA	NV					X	9
INTERIOR	BLM—ELY CRUDE OIL CO	T9NR57ESEC36	NYE	NV	89301				X	9
INTERIOR	BLM—IMCO SERVICES IN	T29NR44ESEC4 AND T29NR45ESEC32		NV	89820				X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3019	CERCLA 103	EPA REGION
INTERIOR	BLM—INTERMOUNTAIN EXPLORATION	T26SR64ESEC9	CLARK	NV					X	9
INTERIOR	BLM—JUPITER GOLD CO	T33NR37ESEC1	PERSHING	NV	89445				X	9
INTERIOR	BLM—KEMCO BUSTER MINE	T5SR59ESEC25,26	ESMERELDA	NV	89301				X	9
INTERIOR	BLM—MCDERMITT MINE	T47NR37ESEC20212729	HUMBOLDT	NV					X	9
INTERIOR	BLM—MINERALS CONCENTRATES,	T35NR37ESEC12	HUMBOLDT	NV	89445				X	9
INTERIOR	BLM—MONTELLO SHELLITE	T40NR69ESEC34	MONTELLO	NV					X	9
INTERIOR	BLM—MOUND MINERAL AGGREGATE	T3NR36SSEC05	ESMERELDA	NV	89049				X	9
INTERIOR	BLM—MULTI-METALLICS INC	T37NR1ESEC25	HUMBOLDT	NV	89445				X	9
INTERIOR	BLM—NEVADA BARTH CORPORATION	T8NR51ESEC7,8	EUREKA	NV	89822				X	9
INTERIOR	BLM—NEVADA HAPTH CORPORATION	UNAVAILABLE FROM SITE OFFICE		NV					X	9
INTERIOR	BLM—NEW PASS RESOURCES INC.	T20NR42ESEC10	LANDER	NV	89310				X	9
INTERIOR	BLM—ORMSBY LANDFILL	T15NR20-21ESEC1,12	ORMSBY	NV	89701				X	9
INTERIOR	BLM—QUINN RIVER VALLEY	T43NR30ESEC18	HUMBOLDT	NV	89445				X	-
INTERIOR	BLM—SMOKEY VALLEY MINING CO.	T10NR44EDEC18-20,29	NYE	NV	89045				X	9
INTERIOR	BLM—STANDARD GOLD MINE	T30NR33ESEC1	PERSHING	NV					X	9
INTERIOR	BLM—UNION CARBIDE CORP (EMERSON MINE)	T35NR56ESEC26	LINCOLN	NV	89001				X	9
INTERIOR	BLM—UNION PACIFIC R/W	T8SR67ESEC23	LINCOLN	NV	89008			X	X	9
INTERIOR	BLM—UNIVERSAL GAS INC.	R35NR50ESEC10	EUREKA	NV					X	9
INTERIOR	BLM—UTAH INTERNATIONAL INC.	T34NR34ESEC25,36	PERSHING	NV					X	9
INTERIOR	BLM—VETA GRANDE MINING CO.	T*1NR21ESEC3,4,9	DOUGLAS	NV					X	9
INTERIOR	BLM—WEST COAST OIL & GAS CORP	T18NR22ESEC26,36	STOREY	NV					X	9
INTERIOR	BLM—WESTERN STATES MINERALS	T36NR50ESEC29,30	EUREKA	NV					X	9
INTERIOR	BLM—WESTERN WINDFALL LTD	T18NR53ESEC1,2	EUREKA	NV	89316				X	9
INTERIOR	DATE STREET COMPLEX	500 DATE ST	BOULDER CITY	NV	89005		X		X	9
INTERIOR	HOPE MINE	T22NR51ESEC12	WHITE PINE	NV	89301				X	9
NAVY	NAVAL AIR STATION FALLON	NAVAL AIR STATION	FALLO	NV	89406	X	X	X	X	9
AGRICULTURE	PLUM ISLAND ANIMAL DISEASE CENTER	PLUM ISLAND	ORIENT POINT	NY	11957				X	2
AIR FORCE	AIR FORCE PLANT #59	600 MAIN STREET	JOHNSON CITY	NY	113780			X	X	2
AIR FORCE	GRIFFISS AIR FORCE BASE	GRIFFISS A.F.B.	ROME	NY	13440	X	X	X	X	2
AIR FORCE	NIAGARA FALLS AIR FORCE RES.	914 TA DE	NIAGARA FALLS IAP	NY	14304	X	X	X	X	2
AIR FORCE	PLATTSBURGH AIR FORCE BASE	309 CSG/DE	PLATTSBURGH AFB	NY	12901	X	X	X	X	2
AIR FORCE	US AIR FORCE PLANT #38	PORTER & BALMER RDS	PORTER TWP	NY	14131				X	2
AIR FORCE	YOUNGSTOWN TENN ANN	BALMER RD	PORTER CENTER	NY	14131				X	2
ARMY	AIR FORCE PLANT #68	LUTTS ROAD	MODEL CITY	NY	14107				X	2
ARMY	AMSA 9 U.S. ARMY RESERVE	130 PICKARD DRIVE	MATTYDALE	NY	13211		X			2
ARMY	FORT DRUM #8	BTWN RTS 3 11	WATERTOWN	NY	13601	X	X	X	X	2
ARMY	FORT HAMILTON	FT HAMILTON	BROOKLYN	NY	11252				X	2
ARMY	FORT TOTTEN	BAYSIDE	QUEENS	NY	11359				X	2
ARMY	MCDONALD USARC	168 GOETHALS AVE	JAMAICA	NY	11432					2
ARMY	ORGANIZATIONAL MAINT SHOP 45	70 BRENTWOOD RD	BAYSHORE	NY	11706		X			2
ARMY	ROOSEVELT USARC	101 OAK ST	HEMPSTEAD	NY	11550		X			2
ARMY	SENECA army DEPOT	RT 96	ROMULUS	NY	14541	X	X	X	X	2
ARMY	U.S. ARMY ENGINEER DISTRICT,	1776 NIAGARA ST	BUFFALO	NY	14127		X			2
ARMY	USA—BELLMORE MAINTENANCE FACILITY	2755 MAPLE AVE	BELLMORE	NY	11710		X			2
ARMY	USA-COMH SPT MAIN SHOP "C"	1500 EAST HENRIETTA RD	ROCHESTER	NY	14623		X			2
ARMY	USMA—WEST POINT	RT 9W—BLDG 739	WEST POINT	NY	10996	X	X		X	2
ARMY	WATERVLIET ARSENAL	BROADWAY	WATERVLIET	NY	12189	X	X	X		2
CORPS OF ENGINEERS, CIVIL	USCOE—EAST SIDNEY LAKE	NY STATE ROUTE 357	FRANKLIN	NY	13775		X			2
CORPS OF ENGINEERS, CIVIL	USCOE—TROY LOCK & DAM	BOND ST	TROY	NY	12180		X			2
DEFENSE	VERONA DEFENSE FUEL SUPPORT PT	MAIN ST	VERONA	NY	13478		X	X	X	2
ENERGY	BROOKHAVEN NATIONAL LAB	53 BELL AVE	UPTON	NY	11973	X	X			2
ENERGY	COLONIE INTERIM STORAGE/NL NUCLEAR METALS DIV	1130 CENTRAL AVE	COLONIE	NY	11205		X	X		2
ENERGY	KNOLLS ATOMIC POWER LAB—KESSELRING SITE	ATOMIC PROJECT ROAD	WEST MILTON	NY	12080	X	X		X	2
ENERGY	KNOLLS ATOMIC POWER LAB—KNOLLS SITE	RIVER RD	NISKAYUNA	NY	12301	X	X		X	2

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
HEALTH AND HUMAN SERVICES.	US NIOSH TAFT LABORATORIES.	4676 COLUMBIA PARKWAY	CINCINNATI	OH	45226		X			5
INTERIOR	CUYAHOGA NAT. REC. AREA.	15610 VAUGHN ROAD	BRECKSVILLE	OH	44141		X			5
NASA	NASA PLUM BROOK	TAYLOR & COLUMBUS RD, ERIE COUNTY.	SANDUSKY	OH	44870			X	X	5
NASA	US NASA LEWIS RESEARCH CENTER CLEVELAND.	21000 BROOKPARK ROAD	CLEVELAND	OH	44135		X			5
NAVY	US AIR FORCE PLANT 85	4300 E. 5TH AVENUE	COLUMBUS	OH	43216	X	X	X	X	5
POSTAL SERVICE	USPS—CLEVELAND	3685 GREEN ROAD	CLEVELAND	OH	44122		X			5
AIR FORCE	AIR FORCE PLANT #3 (MCDONNIEL-DOUGLAS CORP).	2000 N. MEMORIAL AVENUE.	TULSA	OK	74101	X	X	X		6
AIR FORCE	TINKER AIR FORCE BASE	OC—ALC/CC	TINKER AFB	OK	73145	X	X	X	X	6
AIR FORCE	VANCE AIR FORCE BASE	71 ABG/DE	ENID	OK	73702	X	X	X	X	6
ARMY	US ARMY—MCALESTER ARMY AMMUNITION PLANT.	HIGHWAY 69	MCALESTER	OK	74501	X	X	X		6
ARMY	US ARMY FIELD ARTILLERY, FORT SILL.	BLDG 1960	FORT SILL	OK	73503	X	X	X	X	6
CORP OF ENGINEERS, CIVIL	ROBERT S KERR LICK DAM & RESEVOIR.	STAR ROUTE 4	SALLISAW	OK	74083		X			6
CORPS OF ENGINEERS, CIVIL	US ARMY—FORT GIBSON		PRYOR	OK	74361			X		6
TRANSPORTATION	FEDERAL AVIATION ADMINISTRATION.	P.O BOX 25082	OKLAHOMA CITY	OK	73125				X	6
TRANSPORTATION	MIKE MONRONEY AERONAUTICAL CENTER.	6500 SOUTH MACARTHUR	OKLAHOMA CITY	OK	73179		X			6
AIR FORCE	KINGSLEY FIELD	114 TFTS/CC	KLAMATH FALLS	OR	97601				X	10
ARMY	USA—CDE WILLAMETTE	WEST LINN	WEST LINN	OR	97068				X	10
ARMY	US ARMY UMATILLA DEPOT ACTIVITY.	I-84 & EXIT 178	HERMISTON	OR	97838				X	10
CORPS OF ENGINEERS, CIVIL	USA—CDE ASTORIA FIELD OFFICE.	HWY 30 & MARITIME RD	ASTORIA	OR	97103		X			10
CORPS OF ENGINEERS, CIVIL	USA—CDE BONNEVILLE DAM.	N OF CY ON RIV	BONNEVILLE	OR	97008		X			10
EPA	USEPA CORVALLIS ENVIRON RESEARCH LAB.	200 SW 35TH ST	CORVALLIS	OR	97333		X			10
INTERIOR	BLM—ENLO POWERHOUSE AKA SMILKAMEEN.	T40NR27ESEC13	OROVILLE	OR	98844				X	10
INTERIOR	BLM—LYTLE BOULEVARD DUMP	T19SR46ESEC31T20R46	VALE	OR	97918			X	X	10
INTERIOR	BLM—MERLIN LDFL	T35SR6WSEC27	MERLIN	OR	97532				X	10
INTERIOR	BLM—MINEXCO MILLSITE	T9SR42ESEC9	BAKER	OR	97814				X	10
INTERIOR	BLM—SLIDES DUMP SITE	T15SR46ESEC35, LOTS1,2	ONTARIO	OR	97914				X	10
INTERIOR	BLM—VALE CITY DUMP-SITE	T18SR45ESEC32	VALE	OR	97918-0008				X	10
INTERIOR	USDOI—BM ALBANY LAB	1450 SW QUEEN AVE	ALBANY	OR	97321		X			10
INTERIOR	USDOI—NPS CRATER LAKE NATIONAL PARK.	HWY 62	CRATER LAKE	OR	97604		X			10
JUSTICE	US MARSHALS SERVICE PORTLAND.	620 SW MAIN	PORTLAND	OR	97205		X			10
NAVY	USC MARINE INC/USNS WILKES T-AGS.	DILLINGHAM YARD, SWAN ISLAND.	PORTLAND	OR	97208		X			10
TRANSPORTATION	COOS BAY ANT	4333 BOAT BASIN RD	CHARLESTON	OR	97420		X			10
TRANSPORTATION	USDOT—CG ASTORIA BASE	HWY 30 AT TONGUE POINT.	ASTORIA	OR	97103		X			10
TRANSPORTATION	USDOT—CG MARINE SAFETY STATION	6767 N BASIN	PORTLAND	OR	97217		X			10
AGRICULTURE	US DEPT OF AGRICULTURE WYNDMOOR.	600 E MERMAID LN	WYNDMOOR	PA	19118		X			3
ARMY	AJCC—FORT RITCHIE	HARBAUGH VALLEY RD	BLUE RIDGE SUM	PA	17214		X			3
ARMY	CARLISLE ARMY BARRACKS.	CARLISLE BARRACKS	CARLISLE	PA	17013				X	3
ARMY	DEFENSE PERSONNEL SUPPORT CE.	2800 S 20TH ST	PHILADELPHIA	PA	19101	X	X	X		3
ARMY	FORT INDIANTOWN GAP	FORT INDIANTOWN	ANNVILLE	PA	17003		X	X	X	3
ARMY	HAYES ARMY AMMUNITION PLANT.	US ARMY	PITTSBURGH	PA	15207			X		3
ARMY	LETTERKENNY ARMY DEPOT.	N FRANKLIN ST EXT	CHAMBERSBURG	PA	17201	X	X	X	X	3
ARMY	NEW CUMBERLAND ARMY DEPOT.	HARRISBURG	HARRISBURG	PA	17070	X	X	X	X	3
ARMY	PA ARMY NATL GUARD MAINT SHOP	14TH & CALDER ST	HARRISBURG	PA	17105		X			3
ARMY	PA ARMY NATL GUARD MAINT SHOP 10	2736 SOUTHHAMPTON	PHILADELPHIA	PA	19154		X			3
ARMY	PA ARMY NATL GUARD MAINT SHOP 28	1300 PENN ST	WILLIAMSPORT	PA	17702		X			3
ARMY	SCRANTON AAP	156 CEDAR AVE	SCRANTON	PA	18501	X	X	X	X	3
ARMY	TOBYHANNA ARMY DEPOT	ATTN SDSTO-AF-E	SCRANTON	PA	18466	X	X	X	X	3
ARMY	U S A SUPPORT OAKDALE	US ARMY	OAKDALE	PA	15071				X	3
ARMY	USA KEYSTONE ORDNANCE	GREENWOOD TWP	GENEVA	PA	16316				X	3
ARMY	WILLOW GROVE ARF	OFF OF US RTE 611	HATBORO	PA	19080				X	3
COMMERCE	DOC ECON DEV ADM—ROBINS FOOTWE.	209 N DIVISION ST	MT UNION	PA	17066			X		3
CORP OF ENGINEERS, CIVIL	USA—CDE SHENANGO LAKE	2442 KELLY ROAD	SHARPESVILLE	PA	16150			X		3

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ENERGY	BETTIS ATOMIC POWER LABORATORY.	PO BOX 109	WEST MIFFLIN	PA	15122	X	X	X		3
ENERGY	US DEPT OF ENERGY—PETC.	PO BOX 10940	PITTSBURGH	PA	15236		X			3
INTERIOR	NPS GETTYSBURG NAT'L MIL PARK.	RD 1	GETTYSBURG	PA	17325				X	3
INTERIOR	TINICUM NATIONAL ENVT CENTER.	OFF FOLCROFT AVE	FOLCROFT	PA	19032			X	X	3
INTERIOR	US DEPT OF INT BUR OF MINES.	626 COCHRANS MILL	BRUCETON	PA	15025		X			3
NAVY	NADC—WARMINSTER	NAVFAC—NORTHDIV CODE 114.	WARMINSTER	PA	19112	X	X	X	X	3
NAVY	NAS WILLOW GROVE	RT 611	WILLOW GROVE	PA	19090	X	X			3
NAVY	NAVAL REGIONAL MEDICAL CENTER.	17 ST AND PATTISON AVE	PHILADELPHIA	PA	19145		X			3
NAVY	NAVAL STATION PHILADELPHIA.	NAVFAC—NORTH DIV.CODE 114.	PHILADELPHIA	PA	19112	X	X		X	3
NAVY	NAVY AVIATION SUPPLY OFFICE.	700 ROBBINS AVE	PHILADELPHIA	PA	19111		X			3
NAVY	NAVY SHIPS PARTS CONTROL CENTER.	5450 CARLISLE PIKE P.O	MECHANICSBURG	PA	17055	X	X		X	3
ARMY	FORT ALLEN	ROUTE 1	JUANA DIAZ	PR	00665				X	2
ARMY	PDR BUCHANAN—U.S. ARMY GARRISON.	ROUTE 28	SAN JUAN	PR	00934	X			X	2
ARMY/DOT	USCG AIR STATION/FORMER RAMEY AFB.	INSULUR HIGHWAY 2	AGUADILLA	PR	00604		X		X	2
NAVY	CAMP GARCIA #1	VIEQUES	VIEQUES	PR	00765				X	2
NAVY	NAVAL AMMUNITION FACILITY, VIEQUES.	ROUTE 70	VIEQUES	PR	00765			X	X	2
NAVY	NAVAL STATION CEIBA	ROOSEVELT ROADS	CEIBA	PR	00635	X	X	X	X	2
NAVY	NAVAL STATION ROOSEVELT ROADS.	VILLA VERDE STREET DRYDOCK & REPAIR FACILITY.	MIRAMAR	PR	00603		X			2
NAVY	U.S. NAVAL SECURITY GROUP ACTIVITY.	SABANA SECA	SABANA SECA	PR	00749		X	X		2
TRANSPORTATION	USCG BASE—SAN JUAN	SANTO TORIBIO	SAN JUAN	PR	00903		X			2
ARMY	RI ANG	OLD OXFORD ROAD	NORTH SMITHFIELD	RI	02876				X	1
ARMY	US ARMY BRISTOL NIKE SITE.	RT 136	BRISTOL	RI	02809				X	1
ARMY	US ARMY COVENTRY NIKE SITE.	OFF SCHOOL HOUSE RD	COVENTRY	RI	02816				X	1
ARMY	US ARMY FOSTER NIKE SITE.	OFF BOSS RD	FOSTER	RI	02825				X	1
ARMY	US ARMY N. SMITHSPIELD NIKE SITE.	POUNDHILL RD	N. SMITHFIELD	RI	02876				X	1
DEFENSE	BEAVERTAIL POINT RADAR STATION.	OFF BEAVERTAIL RD	JAMESTOWN	RI	02835			X		1
EPA	ENVIRONMENTAL RESEARCH LABORATORY.	SOUTH FERRY ROAD	NARRAGANSETT	RI	02882		X			1
INTERIOR	NINIGRET NATIONAL WILDLIFE REFUGE.	THIRD BEACH ROAD, EASHWEST POINT.	MIDDLETOWN	RI	02840				X	1
NAVY	CHARLESTOWN NAS	PO BOX 207	CHARLESTOWN	RI	02813				X	1
NAVY	NAVAL AIR STATION QUONSET POINT.		NORTH KINGSTOWN	RI	02854	X	X		X	1
NAVY	NAVAL CONSTRUCTION BATTALION CTR, DAVISVILLE.	OFF QUIDNESSETT RD	NORTH KINGSTON	RI	02854				X	1
NAVY	NAVY MARINE CORPS RESERVE CENTER.	ONE NARRAGANSETT AVE	CRANSTON	RI	02905		X			1
NAVY	US NAVAL EDUCATION AND TRAINING CENTER.		NEWPORT	RI	02840	X	X	X	X	1
AIR FORCE	CHARLESTON AIR FORCE BASE.	437 ABG/DE	CHARLESTON	SC	29404		X	X	X	4
AIR FORCE	MYRTLE BEACH AIR FORCE BASE.	354CSG/DE	MYRTLE BEACH AFB	SC	29577		X	X	X	4
AIR FORCE	SHAW AIR FORCE BASE	363CSG/DE	SHAW AFB	SC	29152		X	X	X	4
ARMY	CHARLESTON ARMY DEPOT.	REMOUNT ROAD	NORTH CHARLESTON	SC	29406				X	4
ARMY	USA FORT JACKSON & ARMY TRNG CTR.	JACKSON BLVD	FORT JACKSON	SC	29207		X	X		4
DEFENSE	DEFENSE FUEL SUPPLY POINT—CHARLESTON	N RHETT AVE	HANAHAN	SC	29406		X	X	X	4
ENERGY	US DOE SAVANNAH RIVER PLT.	PO BOX A	AIKEN	SC	29802		X	X	X	4
NAVY	MARINE CORPS AIR STATION BEAUFORT.	LAFRENE ROAD	BEAUFORT	SC	29904		X	X	X	4
NAVY	MARINE CORPS RECRUIT DEPOT, PARRIS ISLAND.	MARINE CORPS RECRUIT DEPOT	PARRIS ISLAND	SC	29905		X	X	X	4
NAVY	NAVAL HOSPITAL, BEAUFORT.	SC HIGHWAY 280	BEAUFORT	SC	29902		X			4
NAVY	NAVAL SHIPYARD, CHARLESTON	VIADUCT ROAD	CHARLESTON	SC	29408		X	X		4
NAVY	NAVAL WEAPONS STATION, CHARLESTON	REDBANK ROAD	CHARLESTON	SC	29408		X	X		4
AIR FORCE	ELLSWORTH AIR FORCE BASE	44 CSG/DC	ELLSWORTH AFB	SD	57706	X	X	X	X	8
AIR FORCE	USAF—JOE FOSS FIELD	P.O. BOX 5044	SIOUX FALLS	SD	57117				X	8
ARMY	SD ANG—OMS 10 SIOUX FALLS	FAIRGROUNDS	SIOUX FALLS	SD	57107		X			8
ARMY	SD ANG—OMS 2 RAPID CITY	CITY LIMITS	RAPID CITY	SD	57702		X			8

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ARMY	SD ANG—OMS 3 LEMMON	ARMORY	LEMMON	SD	57638		X			8
ARMY	SD ANG—OMS 4 WEBSTER	130 W. 11TH AVE	WEBSTER	SD	57274		X			8
ARMY	SD ANG—OMS 7 PIERRE	3440 E-W HWY 34	PIERRE	SD	57501		X			8
ARMY	SD ANG—OMS 8 BROOKINGS	350 FIFTH AVE. S	BROOKINGS	SD	57006		X			8
AIR FORCE	ARNOLD ENGR DEVLP CTR.	COMMANDER AEDC	ARNOLD AIR FORCE BASE	TN	37389		X		X	4
ARMY	MILAN ARMY AMMUNITION PLANT.	HWY 104	MILAN	TN	38358		X	X	X	4
ARMY	US DOD DEFENSE DEPOT, MEMPHIS.	2163 AIRWAYS BLVD	MEMPHIS	TN	38114				X	4
ARMY	USA HOLSTON ARMY AMMUNITION PLANT.	WEST STONE DRIVE	KINGSPORT	TN	37660		X	X	X	4
ARMY	USA VOLUNTEER ARMY AMMO PLANT.	BONNY OAKS DRIVE	CHATTANOOGA	TN	37415		X	X	X	4
ENERGY	US DOE OAK RIDGE NATIONAL LAB.	BETHEL VALLEY ROAD	OAK RIDGE	TN	37830	X	X	X	X	4
ENERGY	USDOE Y-12 PLANT	BEARCREEK RD	OAK RIDGE	TN	37830		X		X	4
INTERIOR	GREAT SMOKY MTNS NATL PARK.	USNPS RT 2	GATLINBURG	TN	37738		X			4
NAVY	NAVAL AIR STATION MEMPHIS.	MILLINGTON—ARLINGTON ROAD	MILLINGTON	TN	38054		X	X	X	4
NAVY	NAVAL WEAPONS INDUSTRIAL RES. PLANT.	100 VANCE TANK ROAD RAYTHEON COMPANY.	BRISTOL	TN	38720-0888		X			4
TENNESSEE VALLEY AUTHORITY	TVA ALLEN STEAM PLANT	2574 PLANT RD	MEMPHIS	TN	38109		X	X	X	4
TENNESSEE VALLEY AUTHORITY.	TVA BULL RUN STEAM PLANT.	EDGEMOOR RD., 6 MI SE OF.	OAK RIDGE	TN	37830		X		X	4
TENNESSEE VALLEY AUTHORITY	TVA CUMBERLAND STEAM PLANT.	TN HIGHWAY 149 SOUTH	CUMBERLAND CITY	TN	37050		X			4
TENNESSEE VALLEY AUTHORITY.	TVA HARTSVILLE NUCLEAR PLANT.	TN HWY 25	HARTSVILLE	TN	37050		X			4
TENNESSEE VALLEY AUTHORITY.	TVA JOHN SEVIER STEAM PLANT.	TN HWY 70E	ROGERSVILLE	TN	37134		X		X	4
TENNESSEE VALLEY AUTHORITY	TVA KINGSTON STEAM PLANT.	NATURAL RESOURCES BUILDING	NORRIS	TN	37828				X	4
TENNESSEE VALLEY AUTHORITY.	TVA SEQUOYAH NUCLEAR PLANT.	HIXSON PIKE RD	OAISYS	TN	37319		X		X	4
TENNESSEE VALLEY AUTHORITY.	TVA/WATTS BAR NUCLEAR PLT.	TN HWY 68	SPRING CITY	TN	37381		X		X	4
AGRICULTURE	SUBTROPICAL AGRICULTURE RESEARCH LAB.	Fm1015	WESLACO	TX	78115		X			6
AIR FORCE	AIR FORCE PLANT #4 (GENERAL DYNAMICS).	GRANTS LANE	FORTWORTH	TX	76108	X	X		X	6
AIR FORCE	BERGSTROM AIR FORCE BASE.	67 CSG/DE	AUSTIN	TX	78743	X	X	X	X	6
AIR FORCE	CARSWELL AIR FORCE BASE.	7 CSG/CC	FORT WORTH	TX	76127	X	X	X	X	6
AIR FORCE	DYESS AIR FORCE BASE	96 CSG/CC	ABILENE	TX	79607	X		X	X	6
AIR FORCE	KELLY AIR FORCE BASE	SA-ALC/EM	SAN ANTONIO	TX	78241	X	X	X	X	6
AIR FORCE	LACKLAND AIR FORCE BASE.	3700 ABG/DE	SAN ANTONIO	TX	78236		X	X	X	6
AIR FORCE	LAUGHLIN AIR FORCE BASE.	47 ABG/DE	DEL RIO	TX	78843	X	X	X	X	6
AIR FORCE	RANDOLPH AIR FORCE BASE.	12 ABG/DE	SAN ANTONIO	TX	78150		X	X	X	6
AIR FORCE	REESE AIR FORCE BASE	64 ABG/DE	LUBBOCK	TX	79489	X	X	X	X	6
AIR FORCE	SHEPPARD AIR FORCE BASE.	3750 ABG/DE	WICHITA FALLS	TX	76311	X	X	X	X	6
# ARMY	FUELS AND LUB RSH FACILITY.	6239 CUEVRA	SAN ANTONIO	TX	78264				X	6
ARMY	LAKE LAVON—NORTH GULLY SITE 1.	HIGHWAY 380	WYLIE	TX	75077			X		6
ARMY	US ARMY AIR DEFENSE CENTER & FORT BLISS	PERSHING DRIVE	FORT BLISS	TX	79916	X	X	X		6
ARMY	US ARMY, CAMP STANLEY STORAGE.	Ralph FAIR ROAD	SAN ANTONIO	TX	78264		X			6
ARMY	US ARMY, CORPUS CHRISTI AMSA/AEC.	3922 SARATOGA	CORPUS CHRISTI	TX	78415		X		X	6
ARMY	US ARMY, FORT HOOD	BLDG 4213 SOUTH 77TH STREET.	FORT HOOD	TX	76544	X	X	X	X	6
ARMY	US ARMY, HOUSTON ARMED FORCES CENTER.	1660 OLD SPANISH TRAIL	HOUSTON	TX	77054		X			6
ARMY	US ARMY, LONE STAR ARMY AMMUNITION PLANT.	HIGHWAY 82W	TEXARKANA	TX	75501	X	X	X	X	6
ARMY	US ARMY, LONGHORN ARMY AMMUNITION PLANT.	HIGHWAY 43	KARNACK	TX	75670	X	X	X	X	6
ARMY	US ARMY, RED RIVER DEPOT.	HIGHWAY 82	TEXARKANA	TX	75507	X	X	X	X	6
ARMY	US ARMY, SAGINAW AIRCRAFT PLANT.	BLUE MOUND ROAD EAST, HIGHWAY 156.	SAGINAW	TX	76100		X			6
ENERGY	PANTEX PLANT	2000 SOUTH HOUSTON	AMARILLO	TX	75142	X	X	X	X	6
EPA	US ENVIRONMENTAL PROTECTION LABORATORY.	6868 HORNWOOD DR	HOUSTON	TX	77074		X		X	6
GENERAL SERVICES ADMIN.	GENERAL SERVICES ADMINISTRATION 7FS.	501 FELIX STREET	FORT WORTH	TX	76753		X			6
NASA	JOHNSON SPACE CENTER	2101 NASA ROAD	HOUSTON	TX	77058	X	X	X		6

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 120	EPA REGION
NASA	NASA ELLINGTON FIELD	HIGHWAY 3	HOUSTON	TX	77089		X			6
NAVY	NAVAL AIR STATION CHASE FIELD.	HIGHWAY 202	BEEVILLE	TX	78102		X		X	6
NAVY	NAVAL AIR STATION CORPUS CHRISTI.	OCEAN DRIVE & SAIPAN ST BLDG 22 PUBLIC WORKS OFF.	CORPUS CHRISTI	TX	78419	X	X	X	X	6
NAVY	NAVAL AIR STATION DALLAS.	JEFFERSON AVENUE	GRAND PRAIRIE	TX	75222	X	X	X	X	6
NAVY	NAVAL AIR STATION, KINGSVILLE.	MILITARY HIGHWAY	KINGSVILLE	TX	78363		X		X	6
NAVY	NAVAL WEAPONS IND RES PLANT, DALLAS.	9314 W. JEFFERSON	GRAND PRAIRIE	TX	75222	X	X	X	X	6
NAVY	NAVAL WEAPONS IND RESERVE PLANT, MCGREGOR.	1101 JOHNSON DRIVE, HERCULES INC.	MCGREGOR	TX	76657	X	X	X	X	6
TRANSPORTATION	COAST GUARD BASE, GALVESTON.	FERRY ROAD	GALVESTON	TX	77550		X			6
TRANSPORTATION	US COAST GUARD DEPOT	1301 NAVIGATION BLVD	CORPUS CHRISTI	TX	78407		X			6
AIR FORCE	AIR FORCE PLANT 78	35 MI. NW OF BRIGHAM CITY, MAIL STOP 250.	BRIGHAM CITY	UT	84302			X	X	8
# AIR FORCE	HILL AIR FORCE BASE	2849 ABG/DEEXX	Hill AFB	UT	84066	X	X	X	X	8
# ARMY	DOUGWAY PROVING GROUND, US ARMY.	45 MI. W. OF TOOELE	DOUGWAY	UT	84022		X	X	X	8
ARMY	TOOELE ARMY DEPOT	STATE HWY. 36	TOOELE	UT	84074	X	X	X	X	8
ARMY	US ARMY RESERVE HO 25G PETROLEUM BTN.	1300 NO 200 WEST	PROVO	UT	84601		X			8
DEFENSE	OGDEN DEFENSE DEPOT	500 W. 1200 S	OGDEN	UT	84407-5000			X	X	8
INTERIOR	BLM—CHEVRON RED WASH UNIT.	T7S/R7ESEC22	VERNAL	UT	84078				X	8
INTERIOR	BLM—COTTONWOOD CANYON.	T37SR21ESEC3	BLANDING	UT	84511				X	8
INTERIOR	BLM—DESERET MOUND MINE.	T36S/R13WSEC36	CEDAR CITY	UT	84720				X	8
INTERIOR	BLM—EAST SUMMIT MINING CLAIMS.	T31W/R20WSEC11, 14		UT					X	8
INTERIOR	BLM—FRYE CANYON TAILING.	T36SR19ESEC34	BLANDING	UT	84511				X	8
INTERIOR	BLM—ORE BUYIN STATION—MOAB.	T26SR22ESEC9PARCLABC	MOAB	UT	84532				X	8
INTERIOR	BLM—SILVER MAPLE CLAIMS.	T2SR4ESEC3, 4	PARK CITY	UT	84060			X	X	8
INTERIOR	IRECO CHEMICAL	T7SR1ESEC5, 6, 7		UT		X			X	8
NAVY	NAVAL IND RESERVE ORDNANCE PLANT—HERCULES INC.	8400 W. 1400 SOUTH	MAGNA	UT	84044			X	X	8
AIR FORCE	LANGLEY AFB	1 CSG/DE	HAMPTON	VA	23665	X	X		X	3
ARMY	ARLINGTON HALL STATION	US ARMY	WARRENTON	VA	22186		X		X	3
ARMY	ARLINGTON NATIONAL CEMETERY.	UNOBTAINABLE	ARLINGTON	VA	22211		X			3
ARMY	CAMERON STATION	5010 DUKE ST	ALEXANDRIA	VA	22314		X		X	3
ARMY	CAPE CHARLES AIR FORCE STATION.		CAPE CHARLES	VA	23310		X			3
ARMY	DEFENSE PRINTING SERVICE OFFICE.	RABE 854	THE PENTAGON ARLINGTON	VA	20301		X			3
ARMY	DGSC RICHMOND	JEFFERSON DAVIS HIGHWAY.	RICHMOND	VA	X22297	X	X	X	9	
ARMY	FORT A.P. HILL	US RTE 301	BOWLING GREEN	VA	22427	X	X	X	X	3
ARMY	FORT BELVOIR	DFAE BLDG 183 ATZA-FE	FORT BELVOIR	VA	22060	X	X	X	X	3
ARMY	FORT EUSTIS	US TRANS CTR—FT EUSTIS	NEWPORT NEWS	VA	23604	X	X	X	X	3
ARMY	FORT LEE	FORT LEE	FORT LEE	VA	23801	X	X	X	X	3
ARMY	FORT MONROE	1 POINT COMFORT	HAMPTON	VA	23364		X	X	X	3
ARMY	FORT MYER	US ARMY FT MYER	FORT MYER	VA	22211		X		X	3
ARMY	FORT PICKETT	FORT PICKETT	BLACKSTONE	VA	23824		X		X	3
ARMY	FORT STORY	BLDG 300	FORT STORY	VA	23459	X	X		X	3
# ARMY	HARRY DIAMOND LABS, WOODBRIDGE	US ARMY	WARRENTON	VA	22186			X	X	3
ARMY	OYSTER POINT DEVEL CORP.	610 THIMBLE SHOALS BLVD	NEWPORT NEWS	VA	23601				X	3
ARMY	RADFORD ARMY AMMO PLANT.	STATE RTE 114	RADFORD	VA	24141	X	X	X	X	3
ARMY	US ARMY ENGINEER DISTRICT SO".	JOHN H KERR RESERVOIR	BOYDTON	VA	23917		X			3
ARMY	USA VINT HILL	VINT HILL FARMS STATION	WARRENTON	VA	22186		X		X	3
ARMY	WARRENTON TRAINING CENTER.	FAUQUIER SPRINGS RD	WARRENTON	VA	22186		X			3
CIA	CENTRAL INTELLIGENCE AGENCY HQ.		LANGLEY	VA			X			3
COMMERCE	US DEPT OF COMMERCE	FILE REPOSITORY 1332 SE	ARLINGTON	VA	22202		X			3
EPA	EPA ENVIRONMENTAL PHOTO INT".	BLDG 166—VINT HILL FARM	WARRENTON	VA	22186		X			3
INTERIOR	E SHORE VA FISHERMAN ISLAND.	RD 1 BOX 1228	CAPE CHARLES	VA	23310			X		3
INTERIOR	US GEOLOGICAL SURVEY	12201 SUNRISE VALLEY DRIVE.	RESTON	VA	22092		X			3
NASA	NASA—LANGLEY RESEARCH CENTER.	MAIL STOP 453	HAMPTON	VA	23665		X	X		3
NASA	NASA WALLOPS FLIGHT CENTER.	RTE 179	WALLOPS ISLAND	VA	23337		X			3

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	DOD ARMED FORCES EXPER TRAINING ACTIVITY.	CAMP PEARY, PO BOX 4447.	WILLIAMSBURG	VA	23185		X		X	3
NAVY	MARINE CORPS BATTALION HQ. ARLINGTON.	HENDERSON HALL	ARLINGTON	VA	22214				X	3
NAVY	MC DEVELEDUC COMM. QUANTICO.	N/A	QUANTICO	VA	22134	X	X	X	X	3
NAVY	NAVAL AIR STATION, NORFOLK.	N/A	NORFOLK	VA	23511	X	X	X	X	3
NAVY	NAVAL AIR STATION, OCEANA.	N/A	VIRGINIA BEACH	VA	23460	X	X	X	X	3
NAVY	NAVAL AMPH BASE—LITTLE CR.	LITTLE CREEK	NORFOLK	VA	23521	X	X	X	X	3
NAVY	NAVAL BASE NORFOLK		NORFOLK	VA	23511				X	3
NAVY	NAVAL COMMUNICATION AREA MAS.	330 SLEEPY HOLE RD	SUFFOLK	VA	23434		X		X	3
NAVY	NAVAL HOSPITAL, PORTSMOUTH.	US NAVY	PORTSMOUTH	VA	23708		X	X		3
NAVY	NAVAL SHIPYARD—NORFOLK.	N/A	PORTSMOUTH	VA	23709	X	X	X	X	3
NAVY	NAVAL SUPPLY CENTER, NORFOLK.	CRANEY ISLAND	NORFOLK	VA	23512	X	X	X	X	3
NAVY	NAVAL SUPPLY CENTER—YORKTOWN.	NAVAL SUPPLY CNTR. FUEL D.	YORKTOWN	VA	23690		X			3
NAVY	NAVAL SURFACE WEAP. CNS CTR, DAHLGREN.	2 MI EAST OF INTERSECT 30.	DAHLGREN	VA	22448	X	X	X	X	3
NAVY	NAVY AND MARINE CORP RESERVE, ROANOKE.	5301 BARNES AVE	ROANOKE	VA	24019		X			3
NAVY	NWS YORKTOWN	N/A	YORKTOWN	VA	23691	X	X	X	X	3
NAVY	USN AUXILARY LANDING FIELD F.	3-4 Mi S PRINCESS ANN CTH.	CHESAPEAKE	VA	23322				X	3
TRANSPORTATION	US COAST GUARD SUPPORT CENTER.	4000 COAST GUARD BLVD	PORTSMOUTH	VA	23703		X			3
ARMY	US ARMY ETHAN ALLEN FIRING RANGE.	GENERAL ELECTRIC COMPANY	JERICHO	VT	05465		X			1
AGRICULTURE	HOLDEN MINE TAILING/WENACHEE NF.	T31N R17E WM SEC7	HOLDEN	WA	98816				X	10
AGRICULTURE	YAKIMA AGRICULTURAL RES LAV-U	3706 W NOB HILL BLVD	YAKIMA	WA	98902		X			10
AIR FORCE	FAIRCHILD AFB	92 CSG/CC	SPOKANE	WA	99011		X			10
AIR FORCE	USAF MCCHORD AFB	62 ABG/DE	TACOMA	WA	98430				X	10
ARMY	USA—CDE LAKE WASHINGTON	3015 NW 54TH ST	SEATTLE	WA	98107				X	10
ARMY	US ARMY FORT LEWIS	ATTN AFZH-FEO	FORT LEWIS	WA	98432				X	10
ARMY	WASHINGTON ARMY NAT GUARD	299 CLEMONS RD	MONTESANO	WA	98563		X			10
ARMY	WASHINGTON ARMY NATIONAL GUARD	1702 PACIFIC WAY	YAKIMA	WA	98901		X			10
ARMY	WASHINGTON ARMY NATIONAL GUARD.	1ST & EAST STREET CORNER	EPHRATA	WA	98823		X			10
ARMY	WASHINGTON ARMY NATIONAL GUARD.	308 BYRD STREET	CENTRALIA	WA	98531		X			10
COMMERCE	USDOC—NOAA PACIFIC MARINE CENTER	1801 FAIRVIEW AVE E	SEATTLE	WA	98102		X			10
COMMERCE	USDOC—NOAA WESTERN REGIONAL CENTER.	7600 SANDPOINT WAY	SEATTLE	WA	98115		X			10
CORPS OF ENGINEERS, CIVIL	USCOE—HAMILTON ISLAND LDFL.	BONNEVILLE LOCK & DAM	NORTH BONNEVILLE	WA	98639				X	10
DEFENSE	USDOD—DLA DEFENSE FUEL SUPPORT PT.	FRONT ST & LOVELAND AVE	MUKILTEO	WA	98275				X	10
ENERGY	USDOE HANFORD SITE	HANFORD SITE	RICHLAND	WA	99352				X	10
EPA	USEPA MANCHESTER LABORATORY	7411 BEACH DR E	MANCHESTER	WA	98353		X			10
INTERIOR	BLM—KABEA—TEXAS MINE	T40NR27ESEC13	OROVILLE	WA	98844				X	10
INTERIOR	BOM—OROVILLE LDFL	T40NR27ESEC9	OROVILLE	WA	98844				X	10
INTERIOR	GRAND COULEE DAM PROJECT	PO BOX 620	GRAND COULEE	WA	99133		X			10
INTERIOR	USDOI—FWS NISQUALLY NATL WILDLIFE REFUGE	BROWN FARM RD, END OF	OLYMPIA	WA	98506		X			10
JUSTICE	USDOJ—DEA/SEATTLE	PIER 37	SEATTLE	WA	98134		X			10
NAVY	NAVAL AIR STATION WHIDBEY ISLAND	HWY 20 & AULT FIELD RD	OAK HARBOR	WA	98278				X	10
NAVY	NAVAL SHIPYARD PUGET SOUND	1ST STREET CODE 106	BREMERTON	WA	98314				X	10
NAVY	NAVAL UNDERSEA WARFARE ENG STA, KEYPORT	CODE 073 HWY 308, E END	KEYPORT	WA	98345				X	10
NAVY	NAVAL UNDERSEA WARFARE ENG STAT, INDIAN ISLAND	INDIAN ISLAND	HADLOCK	WA	98366		X		X	10
NAVY	SEATTLE NAVAL STATION	7580 SAND POINT WAY	SEATTLE	WA	98115		X			10
NAVY	US NAVY JACKSON PARK LDFL	UNNAMED ROAD EAST OF ROOT RD	BREMERTON	WA	98278				X	10
NAVY	US NAVY—CAMP WESLEY HARRIS MARINE FAC	SEABECK HWY 3 MI W OF CY	BREMERTON	WA	98310				X	10
NAVY	US NAVY—NAVAL SUPPLY CENTER PUGET SND	ORCHARD PT/LITTLE CLAM BAY	BREMERTON	WA	98353		X			10
NAVY	US NAVY BANGOR SUBMARINE BASE	CLEAR CREEK RD	BANGOR	WA	98315					10

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	US NAVAL REGIONAL MEDICAL CENTER.	BOONE RD	BREMERTON	WA	98312		X			10
TRANSPORTATION	CUSTOMS SERVICE—SEATTLE.	999 FIRST AVE	SEATTLE	WA	98174		X			10
TRANSPORTATION	USDOT—CG CUTTER CONFIDENCE (WMEC 619).	CITY PIER	PORT ANGELES	WA	98362		X			10
TRANSPORTATION	USDOT—CG SEATTLE SUPPORT CENTER.	1519 ALASKAN WAY S	SEATTLE	WA	98134		X			10
TRANSPORTATION	USDOT—CG SUPPORT CENTER ANNEX.	2700 W COMMODORE	SEATTLE	WA	98119		X			10
AGRICULTURE	US FOREST SERVICE FOREST PROD LAB.	502 WALNUT STREET	MADISON	WI	53705	X	X			5
AIR FORCE	GEN BILLY MITCHELL FIELD.	440 CSG/DE	MILWAUKEE	WI	53207		X			5
AIR FORCE	VOLK FIELD—CAMP DOUGLASS CMS1.	HWY 94 JUNEAU COUNTY	CAMP DOUGLAS	WI	54618		X			5
ARMY	US ARMY BADGER ARMY AMMUNITION PLANT.	US HWY 12 S SAUK COUNTY.	BARABOO	WI	53913	X	X	X	X	5
ARMY	US ARMY FORT MCCOY MILITARY RESERVATION	HQ FORT MCCOY MONROE COUNTY.	SPARTA	WI	54658	X	X	X	X	5
▲ ARMY	WI ARMY NATIONAL GUARD 13.	833 S. 17TH AVENUE	WAUSAU	WI	54401		n			5
▲ ARMY	WI ARMY NATIONAL GUARD AASF 1.	2979 HIGHWAY 33	WEST BEND	WI	53905		X			5
▲ ARMY	WI ARMY NATIONAL GUARD AASF 2.	1950 PEATSON STREET	MADISON	WI	53704		X			5
▲ ARMY	WI ARMY NATIONAL GUARD OMS 11.	800 N. MILITARY AVENUE	GREEN BAY	WI	54304		X			5
▲ ARMY	WI ARMY NATIONAL GUARD OMS 12.	739 IOWA AVENUE	HAYWARD	WI	54843		X			5
▲ ARMY	WI ARMY NATIONAL GUARD OMS 14.	1710 SECOND STREET	WISCONSIN RAPIDS	WI	0		X			5
▲ ARMY	WI ARMY NATIONAL GUARD OMS 5.	1225 E. HENRY CLAY STREET.	WHITEFISH BAY	WI	53217		X			5
▲ ARMY	WI ARMY NATIONAL GUARD OMS 6.	4200 43RD STREET	KENOSHA	WI	53141		X			5
▲ ARMY	WI ARMY NATIONAL GUARD OMS 8.	1120 S. ACADEMY STREET	JANESVILLE	WI	53545		X			5
CORPS OF ENGINEERS, CIVIL	US COE FOUNTAIN CITY-ST. PAUL BASE.	431 NORTH SHORE DRIVE BUFFALO COUNTY	FOUNTAIN CITY	WI	54629		X	X	X	5
INTERIOR	HORICON NATIONAL WILDLIFE REFUGE.	RURAL RT 2	MAYVILLE	WI	53050		X			5
TRANSPORTATION	US COAST GUARD GROUP MILWAUKEE BASE.	3420 LINCOLN MEMORIAL DR	MILWAUKEE	WI	53207		X			5
VETERANS ADMINISTRATION.	VETERANS ADMIN MEDICAL CENTER	5000 W. NATIONAL AVENUE	WOOD	WI	53193		X			5
HEALTH AND HUMAN SERVICES.	NATIONAL INST FOR OCCUPATIONAL SAFETY.	944 CHESTNUT RIDGE ROAD	MORGANTOWN	WV	26505		X			3
NAVY	NAV COMM AREA	10 MI OFF RTE 33	SUGAR GROVE	WV	26815		X		X	3
NAVY	USN ALLEGHENY BALLISTICS LAB.	WEST VIRGINIA SECONDARY R.	ROCKET CENTER	WV	26753	X	X	X	X	3

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DEPARTMENT OF THE ARMY
FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET
53 Federal Register, February 12, 1988

Corrections for the Names or Spelling of Names or Addresses of Army Facilities

Name in the Docket	Correction
US ARMY MATLS AND MECH RES CTR, MA	Change to US ARMY MATLS TECH LAB
HAWTHORNE ARMY AMMUNITION PLANT, NM	HAWTHORNE ARMY AMMUNITION PLANT, NV
USA SUPPORT OAKDALE, PA	CHAS KELLY SUPPORT CTR
FUELS AND LUB RSH FACILITY, TX	BELVOIR FUELS AND LUB RSH FACILITY
DOUGWAY PROVING GROUND, US ARMY	DUGWAY PROVING GROUND, US ARMY
HARRY DIAMOND LABS, WARRENTON, VA	Change the city to Woodbridge
JOLIET ARMY AMMO PLANT UNIROYAL MFG AREA, JOLIET, and,	Change to Joliet Army Ammunition Plant, IL Joliet, IL
US ARMY, JOLIET LAP HONEYWELL, JOLIET, IL	Delete
LEXINGTON-BLUEGRASS ARMY DEPOT, LEXINGTON, KY	Change the city to Richmond
US PROP FISCAL OFC FOR NV, CARSON CITY NM	Change State to NV

Enclosure 3

DEPARTMENT OF THE ARMY
STATUS OF PRELIMINARY ASSESSMENTS FOR
THE HAZARDOUS WASTE COMPLIANCE DOCKET OF
February 12, 1988

Enclosure 4

PA STATUS OF
ARMY SITES ON THE
FEDERAL FACILITIES DOCKET

(C: COMPLETED; P: PLANNED;
M/L: MULTIPLE LISTING)

FACILITY NAME	CITY, STATE	STATUS
~~US ARMY NATIONAL GUARD 1ST BN SCT HQ.~~	~~NOME, AK~~	~~P~~
US ARMY GERSTLE RIVER TEST SITE	FORT GREELY, AK	C
~~US ARMY NATIONAL GUARD 2ND BN SCT HQ.~~	~~BETHEL, AK~~	~~P~~
~~US ARMY NATIONAL GUARD 4TH SCT BN HQ.~~	~~JUNEAU, AK~~	~~P~~
~~US ARMY NATIONAL GUARD 5TH SCT BN HQ.~~	~~ANCHORAGE, AK~~	~~P~~
~~US ARMY NATIONAL GUARD ALASKA CSMS.~~	~~ANCHORAGE, AK~~	~~P~~
~~US ARMY NATIONAL GUARD ALASKA USPFO~~	~~FORT RICHARDSON, AK~~	~~P~~
US ARMY WHITTIER OIL STORAGE TANK	WHITTIER, AK	P
ALABAMA ARMY AMMUNITION PLANT	CHILDERSBURG, AL	C
ANNISTON ARMY DEPOT	ANNISTON, AL	C
FORT MCCLELLAN CHEMICAL & MP CTRS	FORT MCCLELLAN, AL	C
FORT RUCKER	FORT RUCKER, AL	C
~~US ARMY PHOSPHATE DEVELOPMENT WORKS~~	~~MUSCLE SHOALS, AL~~	~~C~~
MILLWOOD RESERVOIR	ASHDOWN, AR	P
PINE BLUFF ARSENAL	PINE BLUFF, AR	C
US ARMY FORT CHAFFEE	FORT CHAFFEE, AR	C
~~161ST AFEFG AIR NATIONAL GUARD~~	~~PHOENIX, AZ~~	~~P~~
FT HUACHUCA, US ARMY	FORT HUACHUCA, AZ	C
NAVAJO ARMY DEPOT	FLAGSTAFF, AZ	C
YUMA PROVING GROUND	YUMA, AZ	C
DEFENSE DEPOT TRACY	TRACY, CA	C
FORT HUNTER LIGGETT	JOLON, CA	C
FORT ORD	FORT ORD, CA	C
FT IRWIN NAT TRAINING CENTER	FT IRWIN, CA	C
~~HAMILTON AFB~~	~~NOVATO, CA~~	~~C~~
~~LAWRENCE LIVERMORE NATL LAB - CAMP PARKS~~	~~PLEASANTON, CA~~	~~C~~
~~NI IND INC RIVERBANK PLT~~	~~RIVERBANK, CA~~	~~M/L~~
OAKLAND ARMY BASE	OAKLAND, CA	C
PRESIDIO OF MONTEREY	PACIFIC GROVE, CA	C
RIVERBANK ARMY AMMUNITION PLANT	RIVERBANK, CA	C

SACREMENTO ARMY DEPOT	SACREMENTO, CA	C
SHARPE ARMY DEPOT	LATHROP, CA	C
SIERRA ARMY DEPOT	HERLONG, CA	C
FT. CARSON-US ARMY	FT. CARSON, CO	C
PUEBLO ARMY DEPOT	PUEBLO, CO	C
ROCKY MTN. ARSL	COMMERCE CITY, CO	C
STRATFORD ARMY ENGINE PLANT	STRATFORD, CT	C
FORT MCNAIR	WASHINGTON, DC	C
US SOLDIERS AND AIRMENS HOME	WASHINGTON, DC	P
USA AFA 49-A ORLANDO	ORLANDO, FL	P
USA AMSA 476/MIAMI	MIAMI, FL	P
USA AMSA 538/TAMPA	TAMPA, FL	P
~~USA PALATKA AMSA 55-M~~	~~PALATKA, FL~~	~~P~~
~~USA AMSA 548-AUGUSTA~~	~~FORT STEWART, GA~~	~~M/L~~
USA FORT BENNING	FORT BENNING, GA	C
USA FORT GILLEM	GA	C
USA FORT GORDON & HQ USA SIGNAL CTR	FORT GORDON, GA	C
USA FORT STEWART	FORT STEWART, GA	C
~~USA HUNTER ARMY AIRFIELD~~	~~FORT STEWART, GA~~	~~C~~
~~ARMY AVIATION SUPPORT FACILITY #2~~	~~HILO, HI~~	~~P~~
FORT KAMEHAMEHA	HONOLULU, HI	C
FORT SHAFTER ARMY SUPPORT COMMAND, HI	FORT SHAFTER, HI	C
MAKUA MILITARY RESERVATION	WAIANAE, HI	C
SCHOFIELD BARRACKS	WAHIAWA, HI	C
TRIPLER ARMY MEDICAL CENTER	HONOLULU, HI	C
IOWA ARMY AMMUNITION PLANT	MIDDLETOWN, IA	C
JOLIET ARMY AMMO PLANT ~~UNIROYAL MFG AREA~~	JOLIET, IL	C
US ARMY FORT SHERIDAN	FORT SHERIDAN, IL	C
~~US ARMY JOLIET LAP HONEYWELL~~	~~JOLIET, IL~~	~~C~~
US ARMY ROCK ISLAND ARSENAL	ROCK ISLAND, IL	C
US ARMY SAVANNA ARMY DEPOT	SAVANNA, IL	C
US ARMY ST LOUIS AREA SUPPORT CENTER	GRANITE CITY, IL	C
US ARMY FORMER JEFFERSONVILLE QTMTR DEPO.	JEFFERSONVILLE, IN	C
US ARMY INDIANA ARMY AMMO PLANT	CHARLESTOWN, IN	C
US ARMY JEFFERSON PROVING GROUND	MADISON, IN	C
US ARMY NEWPORT ARMY AAP	NEWPORT, IN	C
US ARMY SOLDIER SUPPORT CENTER	FORT BENJAMIN HARRISON, IN	C
COMBINED ARMS CNT. &	LEAVENWORTH, KS	C

FT. RILEY 1ST INFANTRY DIV (M).	JUNCTION CITY, KS	C
KANSAS AAP	PARSONS, KS	C
NATIONAL GUARD ARMORY & PARKING LOT	KANSAS CITY, KS	P
SUNFLOWER ARMY AMMUNITION PLANT	DESOTO, KS	C
FORT CAMPBELL	FORT CAMPBELL, KY	C
LEXINGTON-BLUEGRASS ARMY DEPOT	LEXINGTON, KY	C
USA ARMC & FORT KNOX	FORT KNOX, KY	C
LOUISIANA ARMY AMMUNITION PLANT	SHREVEPORT, LA	C
US ARMY FORT POLK AND PEASON RIDGE	FORT POLK, LA	C
GENERAL ELECTRIC CO.-EFERETT	EVERETT, MA	P
~~GENERAL ELECTRIC-LYNN~~	~~LYNN, MA~~	~~P~~
US ARMY FORT DEVENS	AYER, MA	C
~~US ARMY MATLS AND MECH REG CTR~~	~~WATERTOWN, MA~~	~~C~~
US ARMY RESEARCH DEVEL AND ENGINEERING CTR	NATICK, MA	C
~~USW ARMY NATICK R&D LABS SUDBURY ANX~~	~~SUDBURY, MA~~	~~C~~
ABERDEEN PROVING GROUND	ABERDEEN, MD	C
FORT DETRICK - FREDERICK CAN.	FREDERICK, MD	C
FORT MEADE	FORT MEADE, MD	C
FORT RITCHIE	FORT RITCHIE, MD	C
HARRY DIAMOND LABS-ADELPHI	ADELPHI, MD	C
~~NATIONAL SECURITY AGENCY~~	~~FORT MEADE, MD~~	~~M/L~~
PHOENIX CONTROL (NIKE)	JACKSONVILLE, MD	C
WALTER REED ARMY MEDICAL CENTER	SILVER SPRING, MD	C
US ARMY TANK AUTOMOTIVE COMMAND	WARREN, MI	C
TWIN CITIES AAP	ARDEN HILL, MN	C
~~FT LEONARD WOOD~~	~~FT. LEONARD WOOD, MO~~	~~C~~
JEFFERSON BARRACKS LDP	ST. LOUIS, MO	P
LAKE CITY AAP	INDEPENDENCE, MO	C
~~MA AVCRAD~~	~~SPRINGFIELD, MO~~	~~P~~
ST LOUIS ORDNANCE PLANT	ST. LOUIS, MO	C
US ATC ENGINEER & FT LEONARD WOOD	PULASKI, MO	M/L
US CORP OF ENGINEERS	PIEDMONT, MO	P
WELDON SPRINGS TRAINING AREA, FT LNRDWD	ST. CHARLES, MO	C
MISSISSIPPI ARMY AMMO PLANT	NASA NSTL, MS	C
USA ENGR ENVIRON LAB WATERWAYS EXP STA.	VICKSBURG, MS	P
~~MT. ANG OMS #5~~	~~BELGRANDE, MT~~	~~P~~

~~ND ANG ARMY AVIATION SUPPORT FACILITY~~	~~BISMARCK, ND~~	~~P~~
~~ND ANG COMBINED SUPPORT MAINT SHOP~~	~~DEVILS LAKE, ND~~	~~P~~
~~ND ANG ORGAN. MAINT SHOP NO. 3~~	~~GRAND FORKS, ND~~	~~P~~
~~ND ANG ORGAN. MAINT SHOP NO. 4~~	~~BISMARK, ND~~	~~P~~
~~ND ANG ORGAN. MAINT SHOP NO. 5~~	~~JAMESTOWN, ND~~	~~P~~
~~ND ANG ORGAN. MAINT SHOP NO. 6~~	~~VALLEY CITY, ND~~	~~P~~
~~ND ANG ORGAN. MAINT SHOP NO. 7~~	~~MOTT, ND~~	~~P~~
~~ND ANG UNIT TRAINING EQUIPMENT SHOP~~	~~DEVILS LAKE, ND~~	~~P~~
~~FORT DIX LANDFILL~~	~~WRIGHTSTOWN, NJ~~	~~C~~
FORT MONMOUTH	FORT MONMOUTH, NJ	C
MILITARY OCEAN TERMINAL	BAYONNE, NJ	C
PICATINNY ARSENAL	DOVER, NJ	C
SFC NV BRITTAN USAR CTR	CAMDEN, NJ	P
STORCH US ARMY RESERVE CENTER	NORTHFIELD, NJ	P
STRYKER USAR CENTER	TRENTON, NJ	P
US ARMY TRAINING CENTER	WRIGHTSTOWN, NJ	M/L
~~UNIT TRAINING AND EQUIPMENT SITE~~	~~PLUMSTEAD TWP~~	~~P~~
US ARMY FORT WINGATE DEPOT ACTIVITY	GALLUP, NM	C
US ARMY WHITE SANDS MISSILE RANGE	WHITE SANDS, NM	C
~~HAWTHORNE ARMY AMMUNITION PLANT~~	~~HAWTHORNE, NV~~	~~C~~
~~US PROP FISCAL OFC FOR NV.~~	~~CARSON CITY, NV~~	~~P~~
~~AIR FORCE PLANT #68~~	~~MODEL CITY, NY~~	~~P~~
ANSA 2 US ARMY RESERVE	MATTYDALE, NY	P
FORT DRUM #8	WATERTOWN, NY	C
FORT HAMILTON	BROOKLYN, NY	C
FORT TOTTEN	QUEENS, NY	C
~~MCDONALD USARC~~	~~JAMAICA, NY~~	~~P~~
~~ORGANIZATIONAL MAINT SHOP 45~~	~~BAYSHORE, NY~~	~~P~~
ROOSEVELT USARC	HEMPSTEAD, NY	P
SENECA ARMY DEPOT	ROMULUS, NY	C
US ARMY ENGINEER DIST.	BUFFALO, NY	P
USA - BELLMORE MAINTENANCE FACILITY	BELLMORE, NY	P
~~USA - COMB OPT MAIN SHOP "C"~~	~~ROCHESTER, NY~~	~~P~~
USMA - WEST POINT	WEST POINT, NY	C
WATERVLIET ARSENAL	WATERVLIET, NY	C
DEFENSE CONSTRUCTION SUPPLY CTR	COLUMBUS, OH	C

US ARMY ENGINEER DISTRICT, PITTSBURG	VERNON TOWNSHIP, OH	P
US ARMY LIMA TANK CENTER	LIMA, OH	C
US ARMY RAVENNA ARMY AMMUNITION PLANT	RAVENNA, OH	C
US ARMY MCALESTER ARMY AMMUNITION PLANT	MCALESTER, OK	C
US ARMY FIELD ARTILLERY FORT SILL	FORT SILL, OK	C
USA COL WILLAMETTE	WEST LINN, OR	P
US ARMY UMATILLA DEPOT ACTIVITY	HERMISTON, OR	C
AJCC - FORT RITCHIE	BLUE RIDGE SUM, PA	P
CARLISLE ARMY BARRACKS	CARLISLE, PA	C
DEFENSE PERSONNEL SUPPORT CE	PHILADELPHIA, PA	C
FORT INDIANTOWN GAP	ANNVILLE, PA	C
HAYES ARMY AMMUNITION PLANT	PITTSBURGH, PA	C
LETTERKENNY ARMY DEPOT	CHAMBERSBURG, PA	C
NEW CUMBERLAND ARMY DEPOT	HARRISBURG, PA	C
~~PA ARMY NATL GUARD MAINT SHOP~~	~~HARRISBURG, PA~~	~~P~~
~~PA ARMY NATL GUARD MAINT SHOP 10~~	~~PHILADELPHIA, PA~~	~~P~~
~~PA ARMY NATL GUARD MAINT SHOP 28~~	~~WILLIAMSPORT, PA~~	~~P~~
SCRANTON AAP	SCRANTON, PA	C
TOBYHANNA ARMY DEPOT	SCRANTON, PA	C
~~USA SUPPORT OAKDALE~~	~~OAKDALE, PA~~	~~P~~
USA KEYSTONE ORDINANCE	GENEVA, PA	C
WILLOW GROVE ARF	HATBORO, PA	P
FORT ALLEN	JUANA DIAZ, PR	C
FORT BUCHANAN US ARMY GARRISON	SAN JUAN, PR	C
USCG AIR STATION/FORMER RAMEY AFB	AQUADILLA, PR	P
RI ANG	NORTH SMITHFIELD, RI	P
US ARMY BRISTOL NIKE SITE	BRISTOL, RI	P
US ARMY COVENTRY NIKE SITE	COVENTRY, RI	P
US ARMY FOSTER NIKE SITE	FOSTER, RI	P
~~US ARMY N. SMITHFIELD NIKE SITE~~	~~N. SMITHFIELD, RI~~	~~P~~
CHARLESTON ARMY DEPOT	NORTH CHARLESTON, SC	C
USA FORT JACKSON & ARMY TRNG CTR	FORT JACKSON, SC	C
~~SD ANG - OMS 10 SIOUX FALLS~~	~~SIOUX FALLS, SD~~	~~P~~
~~SD ANG - OMS 2 RAPID CITY~~	~~RAPID CITY, SD~~	~~P~~

~~SD ANG - OMS 3 LEMMON~~	~~LEMMON, SD~~	~~P~~
~~SD ANG - OMS 4 WEBSTER~~	~~WEBSTER, SD~~	~~P~~
~~SD ANG - OMS 7 PIERRE~~	~~PIERRE, SD~~	~~P~~
~~SD ANG - OMS 8 BROOKINGS~~	~~BROOKINGS, SD~~	~~P~~
MILAN ARMY AMMUNITION PLANT	MILAN, TN	C
US DOD DEFENSE DEPOT MEMPHIS	MEMPHIS, TN	C
USA HOLSTON ARMY AMMUNITION PLANT	KINGSPORT, TN	C
USA VOLUNTEER ARMY AMMO PLANT	CHATTANOOGA, TN	C
~~FUELS AND LUB AGH FACILITY~~	~~SAN ANTUNIO, TX~~	~~C~~
LAKE LAVON - NORTH GULLY SITE 1	WYLIE, TX	P
US ARMY AIR DEFENSE CENTER & FORT BLISS	FORT BLISS, TX	C
US ARMY CAMP STANLEY STORAGE	SAN ANTONIO, TX	P
US ARMY CORPUS CHRISTI AMSA/AEC	CORPUS CHRISTI, TX	C
US ARMY FORT HOOD	FORT HOOD, TX	C
US ARMY HOUSTON ARMED FORCES CENTER	HOUSTON, TX	P
US ARMY LONE STAR ARMY AMMUNITION PLANT	TEXARKANA, TX	C
US ARMY LONGHORN ARMY AMMUNITION PLANT	KARNACK, TX	C
US ARMY RED RIVER DEPOT	TEXARKANA, TX	C
US ARMY SAGINAW AIRCRAFT PLANT	SAGINAW, TX	C
~~DAUGWAY PROVING GROUND~~	~~DOUGWAY, UT~~	~~C~~
TOOELE ARMY DEPOT	TOOELE, UT	C
US ARMY RESERVE HQ 25G PETROLEUM BTN	PROVO, UT	P
ARLINGTON HALL STATION	WARRENTON, VA	C
ARLINGTON NATIONAL CEMETERY	ARLINGTON, VA	P
CAMERON STATION	ALEXANDRIA, VA	C
CAPE CHARLES AIR FORCE STATION	CAPE CHARLES, VA	P
DEFENSE PRINTING SERVICE OFFICE	THE PENTAGON, ARLINGTON, VA	C
DGSC RICHMOND	RICHMOND, VA	C
FORT AP HILL	BOWLING GREEN, VA	C
FORT BELVOIR	FORT BELVOIR, VA	C
FORT EUSTIS	NEWPORT NEWS, VA	C
FORT LEE	FORT LEE, VA	C
FORT MONROE	HAMPTON, VA	C
FORT MYER	FORT MYER, VA	C
FORT PICKETT	BLACKSTONE, VA	C
FORT STORY	FORT STORY, VA	C
~~HARRY DIAMOND LABS~~	~~WARRENTON, VA~~	~~C~~

WOODBRIDGE		
OYSTER POINT DEVEL CORP	NEWPORT NEWS, VA	P
RADFORD ARMY AMMO PLANT	RADFORD, VA	C
US ARMY ENGINEER DISTRICT BO	BOYDTON, VA	C
USA VINT HILL	WARRENTON, VA	C
WARRENTON TRAINING CENTER	WARRENTON, VA	C
US ARMY ETHAN ALLEN FIRING RANGE	JERICHO, VT	C
USA-COE LAKE WASHINGTON	SEATTLE, WA	P
US ARMY FORT LEWIS	FORT LEWIS, WA	C
~~WASHINGTON ARMY NAT GUARD~~	~~MUNTESANO, WA~~	~~P~~
~~WASHINGTON ARMY NATIONAL GUARD~~	~~YAKIMA, WA~~	~~P~~
~~WASHINGTON ARMY NATIONAL GUARD~~	~~EPHRATA, WA~~	~~P~~
~~WASHINGTON ARMY NATIONAL GUARD~~	~~CENTRALIA, WA~~	~~P~~
US ARMY BADGER ARMY AMMUNITION PLANT	BARABOO, WI	C
US ARMY FORT MCCOY MILITARY RESERVATION	SPARTA, WI	C
~~WI ARMY NATIONAL GUARD 13~~	~~WAUSAU, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD AASF 1~~	~~WEST BEND, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD AASF 2~~	~~MADISON, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD OMS 11~~	~~GREEN BAY, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD OMS 12~~	~~HAYWARD, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD OMS 14~~	~~WISCONSIN RAPIDS, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD OMS 5~~	~~WHITEFISH BAY, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD OMS 6~~	~~KENOSHA, WI~~	~~P~~
~~WI ARMY NATIONAL GUARD OMS 8~~	~~JANESVILLE, WI~~	~~P~~

ANSWERS TO QUESTIONS RAISED BY HQEPA ON THE
INITIAL DOCKET LIST
of February 12, 1988

1. Redstone Arsenal -- should this be on the docket? Yes.

2. Marshall Space Flight Center. What is the relation of this to Redstone Arsenal? It is a tenant activity.

3. Lexington-Bluegrass Depot Activity, Richmond, KY. How does this differ from the docket listing of Lexington, KY? These are two separate sites. The site in Richmond stores nerve gases. The other generates hazardous waste.

4. Ft. Bragg, NC. Should this be added to the next docket listing? Yes. The installation generates hazardous waste.

5. McDonald USARC, NY. HQEPA advised us to delete this from the docket based on their information that the facility is a small quantity generator.

6. AF Plant #68. Is Army the owner? No. Is it a former site? Yes.

7. Lake Ontario Ordnance Works, NY. How is this related to the AF Plant #68? It is a former site owned jointly by DOE and the USAF.

8. Fairmont AAC, Fairmont, NE and Harvard AAC, Harvard, NE. Do these belong to the Army? No. They are former Army properties that were deposed in 1945 and 1947, respectively. Neither of these however, is listed on the inital docket list.

9. RI ANG, RI and US Army Smithsfield Nike Site. Are these the same site? Yes. The correct name is RI ANG.

10. Lawrence Livermore National Lab, Camp Parks, CA. Is this Army property? Yes.

11. Joliet Army Ammo Plant, Uniroyal Mfg Area, Joliet Illinois and US ARMY Joliet LAP Honeywell, Joliet Illinois. Are these one site? Yes. The name should be changed to Joliet Army Ammunition Plant, Joliet, Illinois. Both are tenants, but Uniroyal is a government-owned, contractor-operated faciltiy.

Enclosure 5

ENCLOSURE 2

ARMY INSTALLATIONS LISTED ON THE INITIAL DOCKET LIST OF FEBRUARY 12, 1988 WHERE A PRELIMINARY ASSESSMENT REMAINS TO BE COMPETED BY SEPTEMBER 30, 1988

1. U.S. Soldiers and Airmens Home, Washington, D.C.
2. USA AFA 49-A, Orlando, Florida
3. USA AMSA 476/Miami, Florida
4. Jefferson Barracks LDF, St. Louis, Missouri
5. SFC NV Brittan USAR Center, Camden, New Jersey
6. Storch U.S. Army Reserve Center, Northfield, New Jersey
7. Stryker USAR Center, Trenton, New Jersey
8. ASMA 9 U.S. Army Reserve, Mattydale, New York
9. Roosevelt USARC, Hempstead, New York
10. USA-Bellmore Maintenance Facility, Bellmore, New York
11. * U.S. Army Engineer District, Pittsburg, Vernon Township, Ohio
12. * USA-COE Williamette, West Linn, Oregon
13. Fort Allen, Juana Diaz, Puerto Rico
14. Lake Lavon-North Gully Site 1, Wylie, Texas
15. U.S. Army Corpus Christi AMSA/AEC, Corpus Christi, Texas
16. U.S. Army Houston Armed Forces Center, Houston, Texas
17. Defense Printing Service Office, Pentagon, Virginia
18. Warrenton Training Center, Warrenton, Virginia
19. * USA-COE Lake Washington, Seattle, Washington

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* This property may belong to the U.S. Army Corps of Engineers (USACE). If our review confirms this, this property will be reported in future docket lists under USACE, not under the Department of the Army.

10 Aug 88 Federal Facilities Docket Incorporating 12 Feb list, changes from 22 Apr letter and 22 Jun letter, and USATHAMA recommendati

INSTALLATION	CITY	ST	EPA	FA	COMMENTS
FORT GREELY *	FORT GREELY	AK	10	C	USATHAMA RECOMMENDS THIS INSTALLATION BE ADDED BASED ON RCRA 3010
FORT WAINWRIGHT	FORT WAINWRIGH	AK	10	C	USATHAMA RECOMMENDS THIS INSTALLATION BE ADDED BASED ON RCRA 3010
US ARMY GERSTLE RIVER TEST SITE	FOST GREELY	AK	10	C	ADD RCRA 3005, 3010; 22 JUN
US ARMY NATIONAL GUARD 1ST BN SCT HQ	NOME	AK	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY NATIONAL GUARD 2ND BN SCT HQ	BETHEL	AK	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY NATIONAL GUARD 3RD SCT BN HQ **	KOTZEBUE	AK	10		ADDED 22 JUN; CERCLA 103
US ARMY NATIONAL GUARD 4TH SCT BN HQ	JUNEAU	AK	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY NATIONAL GUARD 5TH SCT BN HQ	ANCHORAGE	AK	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY NATIONAL GUARD ALASKA USMS	ANCHORAGE	AK	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY NATIONAL GUARD ALASKA USPFO	FORT RICHARDSON	AK	10	C	MAPS CHANGE: ad JUN; FORT RICHARDSON; ADD RCRA 3002, 3010
US ARMY WHITTIER OIL STORAGE TANK	WHITTIER	AK	10		USATHAMA RECOMMENDS DELETION. CLEANUP COMPLETE. LTR, CE A.ABo4, 26 JUL 88.
ALABAMA ARMY AMMUNITION PLANT	CHILDERSBURG	AL	4	C	
ANNISTON ARMY DEPOT	ANNISTON	AL	4	C	
FORT MCCLELLAN CHEMICAL & MP FIRS	FORT MCCLELLAN	AL	4	C	
FORT RUCKER	FORT RUCKER	AL	4	C	
US ARMY PHOSPHATE DEVELOPMENT WORKS	MUSCLE SHOALS	AL	4		SITE ON TVA NATL FERTILIZER DEV CTR, 22 JUN
USA REDSTONE ARSENAL	HUNTSVILLE	AL	4	C	ADDED, 22 JUN; RCRA 3005, 3010, 3016
HILLWOOD RESERVOIR	ASHDOWN	AR	6		REMOVE, 22 JUN; NO HAZARDOUS WASTE
PINE BLUFF ARSENAL	PINE BLUFF	AR	6	C	
US ARMY FORT CHAFFEE	FORT CHAFFEE	AR	6	C	ADDRESS CORRECTION. 22 JUN; BUILDING 239
161ST AREFS AIR NATIONAL GUARD	PHOENIX	AZ	9		REMOVE. 22 JUN; SDG
FT HUACHUCA, US ARMY	FORT HUACHUCA	AZ	9	C	ADD RCRA 3010 22 JUN
NAVAJO ARMY DEPOT	FLAGSTAFF	AZ	9	C	
YUMA PROVING GROUND, US ARMY	YUMA	AZ	9	C	ADD RCRA 3016; 22 JUN
CAMP ROBERTS NAT. GUARD UNIT	PASO ROBLES	CA	9	C	ADDED 22 JUN; CERCLA 103
DEFENSE DEPOT TRACY	TRACY	CA	9	C	
FORT HUNTER LIGGETT	JOLON	CA	9	C	
FORT ORD	FORT ORD	CA	9	C	
FT IRWIN NAT TRAINING CENTER	FT IRWIN	CA	9	C	
HAMILTON AFB	NOVATO	CA	9	C	22 JUN: TO REMAIN ON DOCKET
LAWRENCE LIVERMORE NATL LAB-CAMP PARKS	PLEASANTON	CA	9	C	NOT SARE PROPERTY AE LL NATL LAB/ ENERGY. ASSESSMENT DONE, PER POSF. USATHAMA RECOMMENDS DELETION.
MI IWO INC RIVERBANK	RIVERBANK	CA	9		REDUNDANT W RIVERBANK AAP, 22 JUN
OAKLAND ARMY BASE	OAKLAND	CA	9	C	ADD RCRA 3016. 22 JUN
PRESIDIO OF MONTEREY, CA.	PACIFIC GROVE	CA	9	C	
PRESIDIO OF SAN FRANCISCO	SAN FRANCISCO	CA	9	C	ADDED 22 JUN; RCRA 3010. CERCLA 103
RIVERBANK army AMMUNITION PLANT	RIVERBANK	CA	9	C	ADD RCRA 3005, 3010, 3016; 22 JUN
SACRAMENTO ARMY DEPOT	SACRAMENTO	CA	9	C	
SHARPE ARMY DEPOT	LATHROP	CA	9	C	
SIERRA ARMY DEPOT	HERLONG	CA	9	C	
FITZSIMONS ARMY MEDICAL CTR.	AURORA	CO	8	C	ADDED 22 JUN: RCRA 3010
FT. CARSON-US ARMY	FT CARSON	CO	8	C	ADD RCRA 3016; 22 JUN
PUEBLO ARMY DEPOT	PUEBLO	CO	8	C	
ROCKY MTN ARSN	COMMERCE CITY	CO	8	C	
STRATFORD ARMY ENGINE PLANT	STRATFORD	CT	1	C	
FORT MCNAIR	WASHINGTON	DC	3	C	
US SOLDIERS AND AIRMENS HOME *	WASHINGTON	DC	3		
USA AFA 49-A ORLANDO *	ORLANDO	FL	4		
USA ANSA 478/MIAMI *	MIAMI	FL	4		
USA ANSA 536/TAMPA	TAMPA	FL	4	C	ADD RCRA 3005; 22 JUN
USA PALATKA AMSA 55-M	PALATKA	FL	4	C	USATHAMA RECOMMENDS THIS REMAIN ON DOCKET; NOT FORMERLY OWNED
USA AMSA 548- AUGUSTA	FORT STEWART	GA	4		REDUNDANT W/ FT STEWART; 22 JUN
USA FORT BENNING	FORT BENNING	GA	4	C	ADD RCRA 3005, 22 JUN
USA FORT GILLEM		GA	4	C	ADD CITY, 22 JUN; FORES' PARK
USA FORT GORDON & HQ USA SIGNAL CTR.	FORT GORDON	GA	4	C	ADD CERCLA 103; 22 JUN
USA FORT STEWART	FORT STEWART	GA	4	C	ADD RCRA 3005; 22 JUN
USA HUNTER ARMY AIRFIELD	FINT STEWART	GA	4	C	NOT ON FT STEWART, IT IS A SEPARATE PROPERTY. USATHAMA. CE REAL PROPERTY
ARMY AVIATION SUPPORT FACILITY #2	MILO	MI	9		REMOVE, 22 JUN; NOT FEDERALLY OWNED

* Installations on docket, as of Apr 88, w for which a PA has not yet been completed. (PA installations)

** Installations on docket, as of Aug 88, for which a PA has not yet been completed. (18 installations)

Underlined facilities are the 175 from Apr 88.

ENCLOSURE 3

INSTALLATION	CITY	ST	EPA	PA	COMMENTS
FORT KAMEHAMEHA	HONOLULU	HI	9	C	
FORT SHAFTER ARMY SUPPORT COMMAND, HI	FORT SHAFTER	HI	9	C	
WAIKNA MILITARY RESERVATION	WAIANAE	HI	9	C	
SCHOFIELD BARRACKS	WAHIAWA	HI	9	C	
TRIPLER ARMY MEDICAL CENTER	HONOLULU	HI	9	C	
IOWA ARMY AMMUNITION PLANT	MIDDLETOWN	IA	7	C	ADD RCRA 3016, 22 JUN
JOLIET ARMY AMMO PLANT UNITROYAL MFR AREA	JOLIET	IL	5	C	ADD RCRA 3005, 22 JUN
US ARMY FORT SHERIDAN	FORT SHERIDAN	IL	5	C	
US ARMY JOLIET LAP HONEYWELL	JOLIET	IL	5		REDUNDANT W/ JOLIET AAP, 22 JUN
US ARMY ROCK ISLAND ARSENAL	ROCK ISLAND	IL	5	C	
US ARMY SAVANNA ARMY DEPOT	SAVANNA	IL	5	C	
US ARMY ST LOUIS AREA SUPPORT CENTER	GRANITE CITY	IL	5	C	
US ARMY FORMER JEFFERSONVILLE DEPOT DEPO.	JEFFERSONVILLE	IN	5	C	
US ARMY INDIANA ARMY AMMO PLANT	CHARLESTOWN	IN	5	C	
US ARMY JEFFERSON PROVING GROUND	MADISON	IN	5	C	
US ARMY NEWPORT ARMY AAP	NEWPORT	IN	5	C	
US ARMY SOLDIER SUPPORT CENTER	HARRISON	IN	5	C	
COMBINED ARMS CNT. & FT. LEAVENWORTH	LEAVENWORTH	KS	7	C	ADD RCRA 3016, 22 JUN
FT. RILEY 1ST INFANTRY DIV /RI	JUNCTION CITY	KS	7	C	ADD RCRA 3016, CERCLA 103; 22 JUN
KANSAS AAP	PARSONS	KS	7	C	ADD RCRA 3016, 22 JUN
NATIONAL GUARD ARMORY & PARKING LOT	KANSAS CITY	KS	7		ZIP CORR/ 22 JUN; 67201; USATHAMA RECOMMENDS DELETION: STATE OWNED, PER MG
SUNFLOWER ARMY AMMUNITION PLANT	DESOTO	KS	7	C	ADD RCRA 3016, CERCLA 103; 22 JUN
FORT CAMPBELL	FORT CAMPBELL	KY	4	C	
LEXINGTON-BLUEGRASS ARMY DEPOT	LEXINGTON	KY	4	C	ADD RCRA 3005; 22 JUN
USA ARMC & FORT KNOX	FORT KNOX	KY	4	C	ADDRESS CORRECTION, 22 JUN; HWY 31 W; ADD RCRA 3005
USA LEXINGTON BLUE GRASS DEPOT ACTIVITY	RICHMOND	KY	4	C	ADDED 22 JUN; CERCLA 103; ADDED AS SEPARATE FACILITY FROM LBGDA, LEXINGTON. NOT CONTIGUOUS.
LOUISIANA ARMY AMMUNITION PLANT	SHREVEPORT	LA	6	C	
US ARMY FORT POLK AND PEASON RIDGE	FORT POLK	LA	6	C	ADD RCRA 3005, CERCLA 103; 22 JUN
GENERAL ELECTRIC CO.-EVERETT	EVERETT	MA	1		REMOVE, 22 JUN; FORMERLY OWNED
GENERAL ELECTRIC-LYNN	LYNN	MA	1		REMOVE, 22 JUN; FORMERLY OWNED
US ARMY FORT DEVENS	AYER	MA	1	C	ZIP CODE CHANGE, 22 JUN; 01432
US ARMY NATLS AND MECH RES CTR	WATERTOWN	MA	1	C	NAME CHANGED, 22 JUN; US ARMY NATLS TECH LAB
US ARMY RESEARCH DEVEL AND ENGINEERING CTR	NATICK	MA	1	C	
USN ARMY NATICK R&D LABS, SUDBURY ANX	SUDBURY	MA	1	C	NAME CHANGED, 22 JUN; US ARMY FORT DEVENS, SUDBURY ANNEX
ABERDEEN PROVING GROUND	ABERDEEN	MD	3	C	
FORT DETRICK-FREDRICK CAN.	FREDERICK	MD	3	C	
FORT MEADE	FORT MEADE	MD	3	C	
FORT RITCHIE	FORT RITCHIE	MD	3		REMOVE, 22 JUN; SOG
HARRY DIAMOND LABS-ADELPHI	ADELPHI	MD	3	C	
HARRY DIAMOND LABS-BLOSSOM POINT	LA PLATA	MD	3	C	USATHAMA RECOMMENDS THIS INSTALLATION BE ADDED BASED ON RCRA 3016
NATIONAL SECURITY AGENCY	FORT MEADE	MD	3		LEASED PROPERTY ON FT MEADE, 22 JUN
PERMIT CONTROL (NIKE)	JACKSONVILLE	MD	3	C	
WALTER REED ARMY MEDICAL CENTER	SILVER SPRING	MD	3	C	
US ARMY TANK AUTOMOTIVE COMMAND	WARREN	MI	5	C	
TWIN CITIES AAP	ARDEN HILL	MN	5	C	
FT LEONARD WOOD	FT LEONARDWOOD	MO	7		SAME AS US ATC ENG & FT L WOOD, 22 JUN
JEFFERSON BARRACKS LPC ★	ST LOUIS	MO	7		
LAKE CITY AAP	INDEPENDENCE	MO	7	C	
MO-NVCNAD	SPRINGFIELD	MO	7		REMOVE, 22 JUN 88; NOT FEDERALLY OWNED
ST LOUIS ORDNANCE PLANT	ST LOUIS	MO	7	C	
US ATC ENGINEER & FT LEONARD WOOD	PULASKI	MO	7	C	
US CORP OF ENGINEERS	PIEDMONT	MO	7		REMOVE, 22 JUN; 936
WELDON SPRINGS TRAINING AREA FT LEONARD	ST CHARLES	MO	7	C	
MISSISSIPPI ARMY AMMO PLANT		MS	4	C	ADD CITY, 22 JUN; BAY ST LOUIS
USA EWDE ENVIRON LAB WATERWAYS EXP STA	VICKSBURG	MS	4	C	ADD RCRA 3005, 22 JUN
MT. AND DMS 05	BELGRANDE	MT	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
FORT BRAGG	FORT BRAGG	NC	4	C	USATHAMA RECOMMENDS THIS INSTALLATION BE ADDED BASED ON RCRA 3016

INSTALLATION	CITY	ST	EPA	PA	COMMENTS
USA ARMY RESERVE XVIII ARBN CORPS ***	FORT BRAGG	NC	4		ADDED 22 JUN; RCRA 3016, CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	WILMINGTON	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS	ROCKY MOUNT	NC	4	C	ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	BREVARD	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	CHARLOTTE	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS	DURHAM	NC	4	C	ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS	ASHEVILLE	NC	4	C	ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS ***	GARNER	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS ***	HIGH POINT	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	SALISBURY	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	ALBEMARLE	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	MOREHEAD CITY	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	RALEIGH	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	HICKORY	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS **	CHARLOTTE	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS ***	GREENVILLE	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS	GREENSBORO	NC	4	C	ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS ***	LUMBERTON	NC	4		ADDED 22 JUN; CERCLA 103
USA ARMY RESERVE XVIII ARBN CORPS ***	DURHAM	NC	4		ADDED 22 JUN; CERCLA 103
ND ANG ARMY AVIATION SUPPORT FACILITY	BISMARCK	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG COMBINED SUPPORT MAINT SHOP	DEVILS LAKE	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG ORGAN. MAINT SHOP NO. 3	GRAND FORKS	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG ORGAN. MAINT SHOP NO. 4	BISMARK	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG ORGAN. MAINT SHOP NO. 5	JAMESTOWN	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG ORGAN. MAINT SHOP NO. 6	VALLEY CITY	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG ORGAN. MAINT SHOP NO. 7	MOTT	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
ND ANG UNIT TRAINING EQUIPMENT SHOP	DEVILS LAKE	ND	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
CORNHUSKER AAP	GRAND ISLAND	NE	7	C	USATHAMA RECOMMENDS THIS INSTALLATION BE ADDED BASED ON RCRA 3016
FORT DIX LANDFILL	WRIGHTSTOWN	NJ	2	C	ON US ARMY TRAINING CENTER AT FT DIX, 22 JUN
FORT MONMOUTH	FORT MONMOUTH	NJ	2	C	
FORT MONMOUTH - EVANS AREA 01	WALL TWP.	NJ	2	C	ADDED 22 JUN: CERCLA 103; NOT CONTIGUOUS WITH FT MONMOUTH
MILITARY OCEAN TERMINAL	BAYONNE	NJ	2	C	
PICATINNY ARSENAL	DOVER	NJ	2	C	
SEC NV BRITTAN USAR CENTER *	CAMDEN	NJ	2		
ATORCH US ARMY RESERVE CENTER *	NORTHFIELD	NJ	2		
STRYKER USAR CENTER *	TRENTON	NJ	2		
UNIT TRAINING AND EQUIPMENT SITE	PLUMSTEAD TWP	NJ	2		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY TRAINING CENTER AT FT DIX	WRIGHTSTOWN	NJ	2	C	NAME CHANGE, 22 JUN; US ARMY TRAINING CENTER A FT DIX; ADD CERCLA 103
US ARMY-FORT WINGATE DEPOT ACTIVITY	GALLUP	NM	6	C	ADD RCRA 3016; 22 JUN
US ARMY-WHITE SANDS MISSILE RANGE	WHITE SANDS	NM	6	C	ADDRESS CORRECTION, 22 JUN; STEWS-FE
HAWTHORNE ARMY AMMUNITION PLANT	HAWTHORNE	NV	9	C	STATE CORRECTED TO NV, 22 JUN
US PROP FISCAL OFC FOR NV	CARSON CITY	NV	9		REMOVE, 22 JUN; NOT FEDERALLY OWNED
AIR FORCE PLANT 968	MODEL CITY	NY	2		REMOVE, 22 JUN; FORMERLY OWNED
AMSA 9 U.S. ARMY RESERVE *	MATTYDALE	NY	2		
FORT DRUM NG	WATERTOWN	NY	2	C	ADDRESS CHANGE, 22 JUN; BTWN RTS 3 & 11
FORT HAMILTON	BROOKLYN	NY	2	C	
FORT TILDEN	QUEENS	NY	2	C	
FORT WADSWORTH/ARC	STATEN ISLAND	NY	2	C	ADDED 22 JUN; CERCLA 103. USATHAMA RECOMMENDS THIS BE LISTED AS NAVY FACILITY (Transferred 10/87)
MCDONALD USARC	JAMAICA	NY	2		REMOVE, 22 JUN; SDB
ORGANIZATIONAL MAINT SHOP #5	BAYSHORE	NY	2		REMOVE, 22 JUN; SDB
ROOSEVELT USARC *	HEMPSTEAD	NY	2		
SENECA ARMY DEPOT	ROMULUS	NY	2	C	
US ARMY ENGINEER DISTRICT	BUFFALO	NY	2		REMOVE, 22 JUN; SDB
USA-NG MORE MAINTENANCE FACILITY *	BELLMORE	NY	2		
USA-COMD SPT MAIN SHOP "C"	ROCHESTER	NY	2	C	REMOVE, 22 JUN; SDB
USMA-STEWART ARMY SUBPOST	WEST POINT	NY	2	C	USATHAMA RECOMMENDS THIS INSTALLATION BE ADDED BASED ON RCRA 3016
USMA-WEST POINT	WEST POINT	NY	2	C	

INSTALLATION	CITY	ST	EPA	PA	COMMENTS
WATERVLIET ARSENAL	WATERVLIET	NY	2	C	
DEFENSE CONSTRUCTION SUPPLY CTR	COLUMBUS	OH	5	C	
US ARMY ENGINEER DISTRICT, PITTSBURG *	VERNON TOWNSHIP	OH	5		
US ARMY LIMA TANK CENTER	LIMA	OH	5	C	
US ARMY RAVENNA ARMY AMMUNITION PLANT	RAVENNA	OH	5	C	
US ARMY FIELD ARTILLERY FORT SILL	FORT SILL	OK	6	C	
US ARMY MCALESTER ARMY AMMUNITION PLANT	MCALESTER	OK	6	C	
US ARMY UMATILLA DEPOT ACTIVITY	HERMISTON	OR	10	C	ADD RCRA 3005, 3010, 3016; 22 JUN
USA-CDF WILLAMETTE *	WEST LINN	OR	10		
AICC-FORT RITCHIE	BLUE RIDGE SUM	PA	3		REMOVE, 22 JUN; 596
CARLISLE ARMY BARRACKS	CARLISLE	PA	3	C	
DEFENSE PERSONNEL SUPPORT CE	PHILADELPHIA	PA	3	C	
FORT INDIANTOWN GAP	ANNVILLE	PA	3	C	
HAYES ARMY AMMUNITION PLANT	PITTSBURGH	PA	3	C	USATHAMA RECOMMENDS NAME CORRECTION FROM HAYES TO HAYS
LETTERKENNY ARMY DEPOT	CHAMBERSBURG	PA	3	C	
NEW CUMBERLAND ARMY DEPOT	HARRISBURG	PA	3	C	CITY CHANGE, 22 JUN; NEW CUMBERLAND
PA ARMY NATL GUARD MAINT SHOP	HARRISBURG	PA	3		REMOVE, 22 JUN; NOT FEDERALLY OWNED
PA ARMY NATL GUARD MAINT SHOP 10	PHILADELPHIA	PA	3		REMOVE, 22 JUN; NOT FEDERALLY OWNED
PA ARMY NATL GUARD MAINT SHOP 20	WILLIAMSPORT	PA	3		REMOVE, 22 JUN; NOT FEDERALLY OWNED
SCRANTON AAP	SCRANTON	PA	3	C	
TOBYHANNA ARMY DEPOT	SCRANTON	PA	3	C	
USA KEYSTONE ORDINANCE	GENEVA	PA	3	C	
USA SUPPORT OAKDALE	OAKDALE	PA	3	C	NAME CHANGE, 22 JUN; CHAS KELLY SUPPORT CTR; ADD RCRA 3010
WILLOW GROVE ARS	HATBORO	PA	3		USATHAMA RECOMMENDS DELETION; ON NAVAL AIR STATION
CAMP SANTIAGO * *	SALINAS	PR	2		ADDED 22 JUN; CERCLA 103
FOR BUCHANAN-US ARMY GARRISON	SAN JUAN	PR	2	C	NAME CHANGE, 22 JUN; FORT BUCHANAN- US ARMY GARRISON; ADD RCRA 3010
FORT ALLEN *	JUANA DIAZ	PR	2		
USCG AIR STATION FORMER RAMEY AFB	AGUADILLA	PR	2		USATHAMA RECOMMENDS DELETION; FORMER PROP PER CE MOBILE DIST
RI ANG	NORTH SMITHFIEL	RI	1	C	REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY BRISTOL NIKE SITE	BRISTOL	RI	1	C	
US ARMY COVENTRY NIKE SITE	COVENTRY	RI	1	C	
US ARMY FOSTER NIKE SITE	FOSTER	RI	1	C	
US ARMY N. SMITHSFIELD NIKE SITE	N. SMITHFIELD	RI	1		ON PI ANG, 22 JUN
CHARLESTON ARMY DEPOT	NORTH CHARLESTO	SC	4	C	
USA FORT JACKSON & ARMY TRNG CTR	FORT JACKSON	SC	4	C	
SD ANG-OMS 10 SIOUX FALLS	SIOUX FALLS	SD	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
SD ANG-OMS 2 RAPID CITY	RAPID CITY	SD	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
SD ANG-OMS 3 LEMMON	LEMMON	SD	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
SD ANG-OMS 4 WEBSTER	WEBSTER	SD	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
SD ANG-OMS 7 PIERRE	PIERRE	SD	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
SD ANG-OMS 8 BROOKINGS	BROOKINGS	SD	8		REMOVE, 22 JUN; NOT FEDERALLY OWNED
MILAN ARMY AMMUNITION PLANT	MILAN	TN	4	C	ADD RCRA 3005; 22 JUN
US DOD DEFENSE DEPOT, MEMPHIS	MEMPHIS	TN	4	C	ADD RCRA 3005, 3010, 22 JUN
USA HOLSTON ARMY AMMUNITION PLANT	KINGSPORT	TN	4	C	ADD RCRA 3005, 22 JUN
USA VOLUNTEER ARMY AMMO PLANT	CHATTANOOGA	TN	4	C	ADD RCRA 3005, 22 JUN
FUELS AND LUB RSH FACILITY	SAN ANTONIO	TX	6	C	NAME CORRECTION, 22 JUN; BELVOIR FUELS AND LUBRICANT RESEARCH FACILITY
LAKE LAVON-NORTH BULLY SITE 1 *	WYLIE	TY	6		22 JUN: WILL REMAIN ON DOCKET. IF HAZ MAT REMOVED, PA: NO FURTHER ACTION
US ARMY AIR DEFENSE CENTER & FORT BLISS	FORT BLISS	TX	6	C	ADD CERCLA 103, 22 JUN
US ARMY CAMP STANLEY STORAGE	SAN ANTONIO	TX	6	C	ADD RCRA 3005, 22 JUN
US ARMY CORPUS CHRISTI AMMA/AFC *	CORPUS CHRISTI	TX	6		ADD RCRA 3005, 22 JUN
US ARMY FORT HOOD	FORT HOOD	TX	6	C	
US ARMY FORT SAM HOUSTON	SAN ANTONIO	TX	6	C	ADDED 22 JUN; RCRA 3005, 3010, 3016, CERCLA 103
US ARMY HOUSTON ARMED FORCES CENTER *	HOUSTON	TX	6		ADD RCRA 3005, 3016, 22 JUN
US ARMY LONE STAR ARMY AMMUNITION PLANT	TEXARKANA	TX	6	C	
US ARMY LONGHORN ARMY AMMUNITION PLANT	KARNACK	TX	6	C	ADDRESS CORRECTION, 22 JUN; HIGHWAY 419 EAST
US ARMY MCALLEN RESERVE CENTER * *	MCALLEN	TX	6		ADDED 22 JUN; RCRA 3016
US ARMY RED RIVER DEPOT	TEXARKANA	TX	6	C	

INSTALLATION	CITY	ST	EPA	PA	COMMENTS
US ARMY SAGINAW AIRCRAFT PLANT	SAGINAW	TX	6	C	NAME/ADD CORR, 22 JUN; US ARMY PLANT 92, BELL HELICOPTER TEXTRON/BLUE MOUND ROAD, HIGHWAY 136
DOUGWAY PROVING GROUND, US ARMY	DOUGWAY	UT	8	C	NAME/CITY CORRECTION, 22 JUN; DOUGWAY SHOULD BE DUGWAY
TOOELE ARMY DEPOT	TOOELE	UT	8	C	
US ARMY RESERVE HQ 250 PETROLEUM BTN	PROVO	UT	8		REMOVE, 22 JUN; NO HAZARDOUS WASTE
ARLINGTON HALL STATION	WARRENTON	VA	3	U	
ARLINGTON NATIONAL CEMETERY	ARLINGTON	VA	3		REMOVE, 22 JUN; SOG
CAMERON STATION	ALEXANDRIA	VA	3	C	
CAPE CHARLES AIR FORCE STATION	CAPE CHARLES	VA	3		USATHAMA RECOMMENDS THIS BE LISTED UNDER DEPT OF INTERIOR, FISH + WILDLIFE SERVICE, PER CE NORFOLK
DEFENSE PRINTING SERVICE OFFICE *	THE PENTAGON AR	VA	3		ADDRESS/CITY CHANGE, 22 JUN; RMDE 854 THE PENTAGON/ARLINGTON
DGSC RICHMOND	RICHMOND	VA	3	C	NAME CHANGE, 22 JUN; DEFENSE GENERAL SUPPLY CENTER RICHMOND; ALSO AGENCY: ARMY-DEFENSE LOGISTICS AGENCY; ZIP CODE 23297
FORT A. P. HILL	BOWLING GREEN	VA	3	C	
FORT BELVOIR	FORT BELVOIR	VA	3	C	
FORT EUSTIS	NEWPORT NEWS	VA	3	C	
FORT LEE	FORT LEE	VA	3	C	
FORT MONROE	HAMPTON	VA	3	C	
FORT MYER	FORT MYER	VA	3	C	
FORT PICKETT	BLACKSTONE	VA	3	C	
FORT STORY	FORT STORY	VA	3	C	
HARRY DIAMOND LABS, WOODBRIDGE	WARRENTON	VA	3	C	CITY CHANGE, 22 JUN; WOODBRIDGE
HYSTER POINT DEVEL CORP	NEWPORT NEWS	VA	3		USATHAMA RECOMMENDS DELETION, NOT FEDERALLY OWNED
RADFORD ARMY AMMO PLANT	RADFORD	VA	3	C	
US ARMY ENGINEER DISTRICT NO	BOYDTON	VA	3	C	NAME CORRECTION, 22 JUN; US ARMY ENGINEER DISTRICT BOYDTON
USA VINT HILL	WARRENTON	VA	3	C	
WARRENTON TRAINING CENTER *	WARRENTON	VA	3		
US ARMY ETHAN ALLEN FIRING RANGE	JERICHO	VT	1	C	
US ARMY FORT LEWIS	FORT LEWIS	WA	10	C	ADDRESS CORRECTION, 22 JUN; 9TH INF DIV ATTN AFZH-FEO; ADD RCRA 3005, 3010, 3016
USA-CRC LAKE WASHINGTON *	SEATTLE	WA	10		ADD RCRA 3010; 22 JUN
WASHINGTON ARMY NAT GUARD	MONTESANO	WA	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WASHINGTON ARMY NAT GUARD	YAKIMA	WA	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WASHINGTON ARMY NAT GUARD	EPHRATA	WA	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WASHINGTON ARMY NAT GUARD	CENTRALIA	WA	10		REMOVE, 22 JUN; NOT FEDERALLY OWNED
US ARMY BADGER ARMY AMMUNITION PLANT	BARABOO	WI	5	C	
US ARMY FORT MCCOY MILITARY RESERVATION	SPARTA	WI	5	C	
WI ARMY NATIONAL GUARD 13	WAUSAU	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD AASF 1	WEST BEND	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD AASF 2	MADISON	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD OMS 11	GREEN BAY	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD OMS 12	HAYWARD	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD OMS 14	WISCONSIN RAPID	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD OMS 5	WHITEFISH BAY	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD OMS 6	KENOSHA	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED
WI ARMY NATIONAL GUARD OMS 8	JANESVILLE	WI	5		REMOVE, 22 JUN; NOT FEDERALLY OWNED

Hearing before the

Subcommittee on Superfund and Environmental Oversight

Committee on Environment and Public Works

U.S. Senate

August 4, 1988

Ernest C. Baynard, III

Assistant Secretary
Environment, Safety and Health

U.S. Department of Energy

Mr. Chairman, thank you for the opportunity to testify before this subcommittee regarding Superfund program implementation by Federal agencies.

The Department of Energy owns and/or manages 260 nuclear facilities and 160 non-nuclear facilities located in 22 states throughout the country. Much of DOE's defense complex, which constitutes a large portion of the Department's facilities, was constructed during an earlier era when the major issues governing the design, siting and operation of facilities were primarily those of national security, worker and public safety, and resource availability. Other than for radiation effects, there was little understanding of the scope and impact on the environment of then-accepted industrial practices. While it is important to recognize the past causes of DOE's environmental problems, it is more important to look to the future and to correct our problems.

STRENGTHENING INTERNAL OVERSIGHT

The Department of Energy is an agency in transition. When Secretary Herrington arrived at the Department 3 1/2 years ago, he found that the system of checks and balances built into the Department for environment, safety, and health (ES&H) needed to be strengthened. He immediately directed that a review of the ES&H function be conducted. Upon completion of that review, the Secretary implemented a reorganization that elevated the ES&H function to the level of an Assistant Secretary whose sole responsibility is the independent oversight of environmental, safety and health activities within the Department. He also moved forward to increase the budget and the staffing levels for this very important function. Since 1985, despite constraints on the Department's overall budget, we have doubled the ES&H oversight organization's budget, and further increases are expected in the coming year.

THE SECRETARY'S ENVIRONMENTAL POLICY

Secretary Herrington has made a personal commitment to operate the facilities of the Department in a safe and environmentally sound manner. An expression of this commitment is the Environmental Policy Statement governing all DOE operations, which the Secretary issued in January 1986. The policy statement emphasizes four major points: First, as a matter of public trust, the Department considers it an obligation to conduct its operations in a safe and environmentally sound manner. Second, the Department will conduct its operations in compliance with the

letter and spirit of applicable environmental statutes, regulations, and standards. Third, the Department pledges itself to exercise good environmental management by seeking to minimize risks to the environment or the public health. And fourth, DOE expects its operating contractors to share the Department's commitment to good environmental management and to conduct their operations in an environmentally sound manner.

The Department takes these commitments seriously and has put them into action.

DOE and its predecessor agencies (the Energy Research and Development Administration and the Atomic Energy Commission) have been handling and processing massive quantities of radioactive and hazardous substances for 30 to 40 years. Many DOE facilities generate and manage wastes that are both radioactive and hazardous and hence are referred to as "mixed wastes." This category of wastes was not originally contemplated by the Resource Conservation and Recovery Act (RCRA) regulations and, therefore, was a subject of uncertainty for a number of years.

As a direct application of the Secretary's Policy Statement in 1986, the Department conducted an internal review of the issue of mixed waste to determine whether DOE's position at that time regarding the applicability of RCRA to DOE's mixed waste activities was consistent with the Policy Statement. The review resulted in a DOE decision to abandon its previous position and

the proposed definition of byproduct material. It also resulted in a May 1, 1987, final rule which subjects the hazardous component of all DOE's mixed waste to EPA and state regulation under RCRA.

Execution of environmental compliance agreements with the Environmental Protection Agency (EPA) and the States is another example of the Department's commitment to good environmental management. Since 1985, we have signed 29 compliance agreements with EPA and/or the States, compared to 4 such agreements prior to 1985. These compliance agreements are "roadmaps" for correcting environmental compliance problems at DOE facilities and, as such, go a long way toward accomplishing the overall objectives for correcting DOE's legacy of the past.

While only a few of these compliance agreements have formal enforceability provisions, the Department is reviewing each of these agreements to determine the practicability of amending them to include such provisions. For example, we have recently amended the Federal Facility Compliance Agreements for the Feed Materials Production Center, Fernald, Ohio, and the Portsmouth Gaseous Diffusion Plant, Piketon, Ohio, by adding the enforceability provisions. Of course, these provisions merely acknowledge the availability of the means of enforcement that the Congress has already adopted. Formal enforceability provisions do not and cannot, expand the States' or the public's enforcement rights beyond what the Congress has authorized, but they do reflect DOE's recognition of its obligation to comply with the agreements.

DOE is continuing to pursue actively such agreements wherever possible as part of its hazardous waste cleanup program. In May 1988, DOE reached agreement with EPA on model provisions for Federal Facility Agreements to be negotiated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These model provisions are for use by DOE facilities and EPA Regional Offices in establishing enforceable procedures, schedules, and documentation requirements for remedial actions undertaken at DOE CERCLA sites. To the extent applicable, the Department will also seek to use these model provisions for developing Federal Facility Agreements, where necessary, for corrective actions under RCRA.

Even though CERCLA does not require an Interagency Agreement for National Priorities List (NPL) sites until after selection of the remedy, the Department and EPA developed these model provisions in order to facilitate and expedite negotiations for the conduct of remedial investigation/feasibility studies and selection of remedial action and corrective action projects. The provisions, as drafted, include two parties, EPA and DOE. However, it is DOE's intent that, through site specific negotiations, the provisions would be modified to include a State role, according to each State's potential concerns, state program, and desired level of participation. It is also our intent that the States would be partners in the Federal Facility Agreements.

The model provisions are a big step forward toward the cleaning up of our facilities. The model provisions lay the legal and policy framework for a coordinated cleanup effort between DOE and the regulatory agencies. Under these provisions, DOE agrees that any person, including a State, can legally enforce the agreement to assure that the Department meets its commitments.

ENVIRONMENTAL RESTORATION

The Department has begun the task of correcting the environmental contamination problems that exist at our facilities. It is a large task, and it will take many years and a considerable amount of money to accomplish. The scope and technical complexity of the problems we face preclude quick solutions. Each site has unique problems and different environmental conditions requiring site-specific solutions associated with cleanup and compliance. We believe that it is essential to devote the time and resources necessary to define the nature and extent of these problems fully and to design effective, long-term solutions that comply with CERCLA section 121 requirements. We appreciate, however, the need to accomplish remedial actions without studying the matter to death. We will work with EPA in the months ahead to streamline the study process as much as possible without compromising our determination to do the job right, in a cost-effective manner.

I would like to highlight for you some of the major efforts the Department has underway to meet its responsibility to correct the legacy of environmental contamination problems.

We have several activities underway to identify the scope of our environmental problems Department-wide and to establish priorities for corrective action. In 1986, a 3-year, $60 million program called the DOE Environmental Survey was begun. The principal product of the Survey will be a DOE-wide ranking of environmental problems that will enable us to address the more serious problems first. At this time, we have completed about one-half of the Survey program and plan to issue a preliminary ranking of problems at our 16 defense production facilities later this month. Because of the nature of their activities, these 16 facilities are likely to contain the vast majority of DOE's most serious problems. As a result, this preliminary ranking will provide critical input to our planning efforts.

At the same time, the Department is making significant progress in conducting Superfund-type studies of environmental contamination at all DOE sites. The results of these studies will be used to develop effective, long term solutions. We have completed preliminary assessments for all 45 DOE facilities, with about 2000 inactive waste sites, leak areas and spill areas, on the Federal Agencies Hazardous Waste Compliance Docket. These preliminary assessments provide the basis for determining whether more detailed studies, called remedial investigations, are needed. In addition, these preliminary assessments provide the information EPA needs to score the sites and to determine if they are to be included on the NPL. At present, the Department has seven sites either on or proposed for the NPL. DOE expects to have an additional dozen sites proposed for inclusion on the NPL by EPA

when the NPL is expanded later this summer. As these sites are added to the NPL, DOE will initiate community relations programs at each site, as required by CERCLA. These programs will ensure that local officials and citizens are kept informed and are involved in the cleanup projects undertaken in their communities.

Third, to improve management and oversight of DOE environmental remedial actions, we are in the process of consolidating each program's environmental remedial actions into separate environmental restoration programs, thereby establishing a framework by which DOE can develop Department-wide budget priorities for its cleanup activities. An environmental restoration program was established in mid-1987 for Defense Programs and is currently being established for all other DOE program offices.

We have a number of related planning activities underway that we believe will enable us to move forward. One such planning activity recently concluded with the submittal of a document entitled "Environment, Safety and Health Report for the Department of Energy Defense Complex" to Congress on July 1, 1988. That report used the best information available to identify the needed environmental, safety and health corrective measures for the Department's defense production facilities.

Another related activity is the expansion of the July 1 report to include all DOE facilities. This expanded report will be submitted to Congress by December 31, 1988. The ultimate goal of

all these planning efforts is to establish the Department's ES&H program priorities so that the Department's remedial and corrective action budgets adequately reflect DOE's site cleanup priorities. To this end, this DOE-wide report will be updated annually and will be used by DOE in establishing DOE-wide budget priorities for environmental and safety corrective measures and hazardous waste site cleanups.

Between this annual planning document and the environmental restoration programs that are being put into place, DOE will have a decision-making mechanism and management structure in place for determining the appropriate budgetary resources required to meet Department-wide cleanup priorities over successive budget cycles. The Department recognizes the enormous environmental mortgage resulting from the past operations and the fact that we are still mainly in the assessment/characterization stages. It is our intent to conduct these studies in full cooperation with the EPA and the States so that we can efficiently select the appropriate remedy for design and implementation.

CONCLUSION

In closing, Mr. Chairman, I would indicate that these are long-term problems we are addressing, and the solutions will not be easy, quick, or inexpensive. It will take years and it will be expensive.

In recent years, the Department has moved aggressively to address environmental issues at our facilities. Some cleanup actions are underway, and plans to prevent future problems are being implemented. In addition, we are developing the structure and information necessary for a long-term solution to ES&H concerns.

The pace of the cleanup is dependent upon the availability of funding. Because of tight budgets and the need to reduce the federal deficit, decisions about the allocation of federal resources must be made in the context of budget priorities that are established outside the Department of Energy. This is a difficult issue which Congress and the Executive Branch must address together in the years to come.

91-500 (268)